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**House File 284 - Introduced**

HOUSE FILE 284  
BY MASCHER

**A BILL FOR**

1 An Act providing for a task force on safety measures for  
2 schools and postsecondary educational institutions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2321YH (2) 85  
kh/nh



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H.F. 284

1 Section 1. PREKINDERGARTEN-12 AND POSTSECONDARY EDUCATIONAL  
2 INSTITUTION SAFETY PLAN — TASK FORCE. The department of  
3 public safety, in collaboration with the department of  
4 education and the state board of regents, shall convene a  
5 task force comprised of persons representing rural and urban  
6 school districts and accredited nonpublic schools, state and  
7 accredited private postsecondary institutions, fire and law  
8 enforcement communities, and local and state mental and public  
9 health agencies to develop a statewide prekindergarten-12  
10 and postsecondary educational institution safety plan. The  
11 plan shall include recommendations for communicating plan  
12 expectations and responsibilities to the appropriate statewide  
13 and local authorities. The task force shall develop the plan  
14 within the context of existing emergency management plans  
15 and requirements, and shall build upon existing resources  
16 and facilities to the extent possible. The task force shall  
17 submit its findings and recommendations to the governor and the  
18 general assembly by January 15, 2014.

19 EXPLANATION

20 This bill directs the department of public safety, in  
21 collaboration with the department of education and the  
22 state board of regents, to convene a task force comprised  
23 of persons representing rural and urban school districts  
24 and accredited nonpublic schools, state and accredited  
25 private postsecondary institutions, fire and law enforcement  
26 communities, and local and state mental and public health  
27 agencies to develop a statewide prekindergarten-12 and  
28 postsecondary educational institution safety plan. The  
29 plan shall include recommendations for communicating plan  
30 expectations and responsibilities to the appropriate statewide  
31 and local authorities. The task force shall develop the plan  
32 within the context of existing emergency management plans  
33 and requirements, and shall build upon existing resources  
34 and facilities to the extent possible. The task force shall  
35 submit its findings and recommendations to the governor and the

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1 general assembly by January 15, 2014.



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House File 285 - Introduced

HOUSE FILE 285

BY MASCHER

(COMPANION TO SF 196 BY  
PETERSEN)

A BILL FOR

- 1 An Act relating to prenatal and postpartum care.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1609YH (3) 85  
pf/nh



Iowa General Assembly  
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H.F. 285

1     Section 1. NEW SECTION. 135.131A Prenatal ultrasound.  
2     1. The department shall adopt guidelines that require  
3 attending health care providers to offer each pregnant woman  
4 as part of the woman's prenatal care the option of undergoing  
5 a minimum of two ultrasounds when medically indicated to  
6 maximize the possibility of assessing the risk factors for  
7 and preventing premature birth, stillbirth, or other delivery  
8 complications. The guidelines adopted shall be consistent  
9 with or may adopt by reference the practice guidelines for the  
10 performance of obstetric ultrasound examinations as approved  
11 and published by the American institute of ultrasound in  
12 medicine in conjunction with the American college of radiology  
13 and the American college of obstetricians and gynecologists.  
14     2. The attending health care provider shall provide the  
15 following information to the pregnant woman regarding the  
16 ultrasounds:  
17     a. That the ultrasounds are voluntary at the discretion of  
18 the pregnant woman.  
19     b. Upon request of the pregnant woman, the complete results  
20 of the ultrasound, including any risks associated with the  
21 findings to determine the most effective way to manage the  
22 pregnancy, labor, and delivery.  
23     c. That health care coverage is provided in accordance with  
24 section 514C.30 and through the medical assistance program.  
25     3. The attending health care provider shall document the  
26 pregnant woman's declining of an ultrasound in the pregnant  
27 woman's medical record.  
28     4. This section shall not be interpreted to limit the number  
29 of ultrasounds provided to a woman during pregnancy or to hold  
30 a health care provider liable for not providing an ultrasound  
31 as specified in this section if the pregnant woman does not  
32 seek prenatal care.  
33     5. For the purposes of this section "*attending health care*  
34 *provider*" means a licensed physician, nurse practitioner,  
35 certified nurse midwife, physician assistant, or other health

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1 care provider who has the primary responsibility for the  
2 treatment and care of a pregnant woman.

3 Sec. 2. NEW SECTION. 135.131B **Fetal movement education.**

4 An attending health care provider, as defined in section  
5 135.131A, shall provide to a pregnant woman prior to the  
6 third trimester of the pregnancy, educational materials  
7 regarding, and an explanation of the procedure to monitor,  
8 fetal movement to reduce the risk of fetal death. The center  
9 for congenital and inherited disorders shall make the fetal  
10 movement educational materials available to attending health  
11 care providers upon request.

12 Sec. 3. NEW SECTION. 136A.5A **Newborn pulse oximetry**  
13 **screening tests.**

14 1. Each newborn born in this state shall receive a pulse  
15 oximetry screening test in conjunction with the metabolic  
16 screening required pursuant to section 136A.5 in accordance  
17 with rules adopted by the department.

18 2. An attending health care provider, as defined in section  
19 135.131A, shall ensure that every newborn under the provider's  
20 care receives the pulse oximetry screening test in accordance  
21 with rules adopted by the department.

22 3. This section does not apply if a parent objects to  
23 the screening. If a parent objects to the screening of a  
24 newborn, the attending health care provider shall document the  
25 refusal in the newborn's medical record and shall obtain a  
26 written refusal from the parent and report the refusal to the  
27 department as provided by rule of the department.

28 4. The results of each newborn's pulse oximetry screening  
29 test shall be reported in a manner consistent with the  
30 reporting of the results of metabolic screenings pursuant to  
31 section 136A.5, and in accordance with rules adopted by the  
32 center for congenital and inherited disorders in collaboration  
33 with the department.

34 Sec. 4. NEW SECTION. 514C.30 **Prenatal care — ultrasounds.**

35 1. a. Notwithstanding the uniformity of treatment

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1 requirements of section 514C.6, a policy, contract, or plan  
2 providing for third-party payment or prepayment of health or  
3 medical expenses shall provide minimum ultrasound benefits  
4 coverage for insured pregnant women. The provisions of this  
5 section apply to the following classes of third-party payment  
6 provider contracts, policies, or plans delivered, issued for  
7 delivery, continued, or renewed in this state on or after July  
8 1, 2013.

9 (1) Individual or group accident and sickness insurance  
10 providing coverage on an expense-incurred basis.

11 (2) An individual or group hospital or medical service  
12 contract issued pursuant to chapter 509, 514, or 514A.

13 (3) An individual or group health maintenance organization  
14 contract regulated under chapter 514B.

15 (4) A plan established pursuant to chapter 509A for public  
16 employees.

17 (5) A plan established by any other entity engaged in the  
18 business of insurance, risk transfer, or risk retention, which  
19 is subject to the jurisdiction of the commissioner.

20 b. This section shall not apply to accident-only,  
21 specified disease, short-term hospital or medical, hospital  
22 confinement indemnity, credit, dental, vision, Medicare  
23 supplement, long-term care, basic hospital and medical-surgical  
24 expense coverage as defined by the commissioner, disability  
25 income insurance coverage, coverage issued as a supplement  
26 to liability insurance, workers' compensation or similar  
27 insurance, or automobile medical payment insurance.

28 2. As used in this section, "*minimum ultrasound benefits*  
29 *coverage*" means coverage for benefits which are equal to or  
30 greater than a minimum of two ultrasounds as part of a woman's  
31 prenatal care offered at times when medically indicated to  
32 maximize the possibility of assessing the risk factors for  
33 and preventing premature birth, stillbirth, or other delivery  
34 complications as specified under the guidelines adopted by the  
35 department of public health pursuant to section 135.131A.

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1 3. Notice of availability of the coverage shall be provided  
2 to the insured in a summary of benefits and coverage issued to  
3 the insured at the time of delivery, continuation, or renewal  
4 of the coverage, policy, or plan. The coverage shall provide  
5 that the ultrasounds shall be offered to but are voluntary on  
6 the part of the pregnant woman.

7 4. This section shall not be interpreted to limit the  
8 number of ultrasounds provided to a woman during pregnancy or  
9 to hold a health care provider liable for not providing an  
10 ultrasound covered under this section if the insured does not  
11 seek prenatal care.

12 5. The commissioner of insurance shall adopt rules under  
13 chapter 17A necessary to implement this section.

14 Sec. 5. NEW SECTION. 514C.31 Newborn pulse oximetry  
15 screening.

16 1. a. Notwithstanding the uniformity of treatment  
17 requirements of section 514C.6, a policy, contract, or plan  
18 providing for third-party payment or prepayment of health or  
19 medical expenses shall provide coverage to an insured for  
20 newborn pulse oximetry screening as required to be administered  
21 pursuant to section 136A.5A. The provisions of this section  
22 apply to the following classes of third-party payment provider  
23 contracts, policies, or plans delivered, issued for delivery,  
24 continued, or renewed in this state on or after July 1, 2013.

25 (1) Individual or group accident and sickness insurance  
26 providing coverage on an expense-incurred basis.

27 (2) An individual or group hospital or medical service  
28 contract issued pursuant to chapter 509, 514, or 514A.

29 (3) An individual or group health maintenance organization  
30 contract regulated under chapter 514B.

31 (4) A plan established pursuant to chapter 509A for public  
32 employees.

33 (5) A plan established by any other entity engaged in the  
34 business of insurance, risk transfer, or risk retention, which  
35 is subject to the jurisdiction of the commissioner.

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b. This section shall not apply to accident-only,  
specified disease, short-term hospital or medical, hospital  
confinement indemnity, credit, dental, vision, Medicare  
supplement, long-term care, basic hospital and medical-surgical  
expense coverage as defined by the commissioner, disability  
income insurance coverage, coverage issued as a supplement  
to liability insurance, workers' compensation or similar  
insurance, or automobile medical payment insurance.

9       2. Notice of availability of the coverage shall be provided  
10 to the insured in a summary of benefits issued to the insured  
11 at the time of delivery, continuation, or renewal of the  
12 contract, policy, or plan.

13       3. The commissioner of insurance shall adopt rules under  
14 chapter 17A necessary to implement this section.

15 Sec. 6. MEDICAL ASSISTANCE PROGRAM — PRENATAL AND NEWBORN  
16 COVERED BENEFITS. The department of human services shall  
17 include as covered benefits under the medical assistance  
18 program the prenatal ultrasounds as specified pursuant to  
19 section 135.131A and the newborn pulse oximetry screening tests  
20 as specified pursuant to section 136A.5A. The department  
21 shall amend the medical assistance state plan as necessary to  
22 implement this provision.

23       Sec. 7. CODE EDITOR DIRECTIVE. The Code editor shall create  
24 a new division in chapter 135, following division XV, titled  
25 "Prenatal and postpartum information and education" to include  
26 sections 135.131A and 135.131B, as enacted in this Act.

EXPLANATION

28 This bill relates to health care provided during and after a  
29 pregnancy.

30 The bill requires an attending health care provider to offer  
31 each pregnant woman the option of undergoing a minimum of two  
32 ultrasounds as medically indicated to maximize the possibility  
33 of assessing the risk factors for and preventing premature  
34 birth, stillbirth, or other delivery complications under  
35 guidelines adopted by the department of public health (DPH).

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1 The guidelines adopted are to be consistent with the practice  
2 guidelines approved and published by the American institute of  
3 ultrasound in medicine in conjunction with the American college  
4 of radiology and the American college of obstetricians and  
5 gynecologists.

6 The bill specifies the information to be provided to the  
7 pregnant woman regarding the ultrasound upon request of the  
8 pregnant woman, and requires the attending health care provider  
9 to document the pregnant woman's declining of an ultrasound in  
10 the pregnant woman's medical record. The bill provides that  
11 the provision is not to be interpreted to limit the number of  
12 ultrasounds provided to a woman during pregnancy or to hold a  
13 provider liable for not providing an ultrasound as specified  
14 under the provision if the pregnant woman does not seek  
15 prenatal care.

16 The bill directs an attending health care provider to  
17 provide to a pregnant woman prior to the third trimester of the  
18 pregnancy, educational materials regarding, and an explanation  
19 of the procedure to monitor, fetal movement to reduce the  
20 risk of fetal death. The bill specifies that the center for  
21 congenital and inherited disorders shall make the educational  
22 materials available to attending health care providers upon  
23 request.

24 The bill adds to Code chapter 136A (center for congenital  
25 and inherited disorders) a requirement that each newborn born  
26 in this state receive a pulse oximetry screening test in  
27 conjunction with the metabolic screening required under the  
28 Code chapter. An attending health care provider is required to  
29 ensure that every newborn under the provider's care receives  
30 the pulse oximetry screening test. However, the requirement  
31 does not apply if a parent objects to the screening. If a  
32 parent objects to the screening, the attending health care  
33 provider is required to document the refusal in the newborn's  
34 medical record and to obtain a written refusal from the parent  
35 and report the refusal to the department of public health.

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1 The results of the screening are to be reported in a manner  
2 consistent with the reporting of the results of metabolic  
3 screenings and in accordance with rules adopted by the center  
4 for congenital and inherited disorders in collaboration with  
5 DPH.

6 The bill requires that a policy, contract, or plan providing  
7 for third-party payment or prepayment of health or medical  
8 expenses provide minimum ultrasound benefits coverage on  
9 or after July 1, 2013. The bill specifies the classes of  
10 third-party payment provider contracts or policies subject and  
11 not subject to the requirement; defines "minimum ultrasound  
12 benefits coverage"; and requires that notice of availability  
13 and the voluntary nature of the coverage be provided to the  
14 insured. The bill provides that the provision is not to be  
15 interpreted to limit the number of ultrasounds provided to a  
16 woman during pregnancy or to hold a provider liable for not  
17 providing an ultrasound covered under the bill if the insured  
18 does not seek prenatal care. The bill directs the commissioner  
19 of insurance to adopt rules under Code chapter 17A necessary to  
20 implement the provision.

21 The bill requires that a policy, contract, or plan providing  
22 for third-party payment or prepayment of health or medical  
23 expenses provide coverage for the newborn pulse oximetry  
24 screening as specified in Code section 136A.5A as enacted  
25 in the bill. The bill specifies the classes of third-party  
26 payment provider contracts, policies, or plans subject and  
27 not subject to the requirement, and requires that notice of  
28 availability of the coverage be provided to the insured. The  
29 bill directs the commissioner of insurance to adopt rules under  
30 Code chapter 17A necessary to implement the provision.

31 The bill also directs the department of human services (DHS)  
32 to include as covered benefits under the medical assistance  
33 program the prenatal ultrasounds as specified pursuant to Code  
34 section 135.131A and the newborn pulse oximetry screening  
35 tests as specified pursuant to Code section 136A.5A. The bill

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1 directs DHS to amend the Medicaid state plan as necessary to  
2 implement the provision.  
3 The bill includes a Code editor directive to create a new  
4 division in Code chapter 135 (department of public health) to  
5 include the Code sections relating to prenatal ultrasounds and  
6 fetal movement education.



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
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House File 286 - Introduced

HOUSE FILE 286

BY MASCHER

(COMPANION TO SF 177 BY BEALL)

A BILL FOR

1 An Act relating to domestic abuse protective orders and pets or  
2 companion animals owned or held by a petitioner, respondent,  
3 or minor child of the petitioner or respondent in a domestic  
4 abuse case.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1155YH (1) 85  
rh/nh



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 21, 2013

H.F. 286

1 Section 1. Section 236.3, subsection 1, Code 2013, is  
2 amended by adding the following new paragraph:  
3 NEW PARAGRAPH. *0g.* Name or description of any pet or  
4 companion animal owned, possessed, leased, kept, or held by the  
5 petitioner, respondent, or minor child of the petitioner or  
6 respondent whose welfare may be affected by the controversy.  
7 However, this paragraph shall not apply to livestock as defined  
8 in section 717.1, held solely or primarily for commercial  
9 purposes.

10 Sec. 2. Section 236.4, Code 2013, is amended by adding the  
11 following new subsection:

12 NEW SUBSECTION. 3A. The court may include in the temporary  
13 order issued pursuant to this section a grant to the petitioner  
14 of the exclusive care, possession, or control of any pets or  
15 companion animals owned, possessed, leased, kept, or held by  
16 the petitioner, respondent, or minor child of the petitioner or  
17 respondent whose welfare may be affected by the controversy.  
18 The court may forbid the respondent from approaching, taking,  
19 transferring, encumbering, concealing, molesting, attacking,  
20 striking, threatening, harming, or otherwise disposing of the  
21 pet or companion animal. This subsection shall not apply to  
22 livestock as defined in section 717.1, held solely or primarily  
23 for commercial purposes.

24 Sec. 3. Section 236.4, subsection 4, Code 2013, is amended  
25 to read as follows:

26 4. If a hearing is continued, the court may make or extend  
27 any temporary order under subsection 2, ~~or~~ 3, or 3A that it  
28 deems necessary.

29 Sec. 4. Section 236.5, subsection 1, paragraph b, Code 2013,  
30 is amended by adding the following new subparagraph:

31 NEW SUBPARAGRAPH. (7) A grant to the petitioner of  
32 the exclusive care, possession, or control of any pets or  
33 companion animals owned, possessed, leased, kept, or held by  
34 the petitioner, respondent, or minor child of the petitioner or  
35 respondent whose welfare may be affected by the controversy.

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1 The court may forbid the respondent from approaching, taking,  
2 transferring, encumbering, concealing, molesting, attacking,  
3 striking, threatening, harming, or otherwise disposing of the  
4 pet or companion animal. This subparagraph shall not apply to  
5 livestock as defined in section 717.1, held solely or primarily  
6 for commercial purposes.

7 EXPLANATION

8 This bill relates to domestic abuse protective orders  
9 and pets or companion animals owned or held by a petitioner,  
10 respondent, or minor child of the petitioner or respondent in  
11 a domestic abuse case.

12 The bill provides that a person who files a petition for  
13 relief from domestic abuse pursuant to Code section 236.3 may  
14 include in the petition the name or description of any pet or  
15 companion animal owned, possessed, leased, kept, or held by the  
16 petitioner, respondent, or minor child of the petitioner or  
17 respondent whose welfare may be affected by the controversy.

18 The bill further provides the court may include in both  
19 temporary and permanent orders issued a grant to the petitioner  
20 of the exclusive care, possession, or control of any pets or  
21 companion animals owned, possessed, leased, kept, or held by  
22 the petitioner, respondent, or minor child of the petitioner or  
23 respondent whose welfare may be affected by the controversy.  
24 The court may forbid the respondent from approaching, taking,  
25 transferring, encumbering, concealing, molesting, attacking,  
26 striking, threatening, harming, or otherwise disposing of the  
27 pet or companion animal.

28 The bill does not apply to livestock as defined in Code  
29 section 717.1, held solely or primarily for commercial  
30 purposes.



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**House File 287 - Introduced**

HOUSE FILE 287  
BY R. OLSON and WOLFE

**A BILL FOR**

1 An Act relating to the consideration of deferred judgments as  
2 criminal convictions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1912YH (3) 85  
jm/rj



Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
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H.F. 287

1 Section 1. Section 4.1, Code 2013, is amended by adding the  
2 following new subsection:

3 NEW SUBSECTION. 6A. "*Deferred judgment*" does not mean a  
4 conviction unless so specified in the Code.

5 EXPLANATION

6 The bill relates to deferred judgments. The bill specifies  
7 that a deferred judgment does not mean a conviction unless so  
8 specified in the Code.

9 The term "deferred judgment" is defined in Code section  
10 907.1 to mean a sentencing option whereby both the adjudication  
11 of guilt and the imposition of a sentence are deferred by  
12 the court and whereby the court assesses a civil penalty as  
13 provided in Code section 907.14 upon the entry of the deferred  
14 judgment.

15 The following Code sections include a deferred judgment in  
16 the definition of "conviction": 156.9 (revocation of mortuary  
17 science license), 542.5 (qualifications for a certificate  
18 as a certified public accountant), 543B.15 and 543B.29  
19 (qualifications for a real estate broker's or salesperson's  
20 license), and 692A.101 (sex offender registry).

21 In determining if a criminal violation is a second or  
22 subsequent offense for purposes of criminal sentencing,  
23 a "deferred judgment" is considered a conviction under  
24 the following Code sections: 321J.2 (operating while  
25 intoxicated), 462A.14 (operating a motorboat or sailboat  
26 while intoxicated), 708.2 and 708.2A (assault and domestic  
27 abuse), 708.11 (stalking), 714.3A (aggravated theft), 728.12  
28 (sexual exploitation of a minor), 901A.1(2) (sexually predatory  
29 offenses), and 902.14 (enhanced penalty — sexual abuse or  
30 lascivious acts with a child).

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jm/rj

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House File 288 - Introduced

HOUSE FILE 288  
BY ISENHART

A BILL FOR

1 An Act providing for benefit corporations, and providing for  
2 fees.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1185HH (6) 85  
da/nh



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H.F. 288

SUBCHAPTER I

PRELIMINARY PROVISIONS

Section 1. NEW SECTION. 490B.101 Short title.

This chapter shall be known and may be cited as the "*Iowa Benefit Corporation Act*".

Sec. 2. NEW SECTION. 490B.102 Definitions.

Except as otherwise provided in this chapter, or unless the context otherwise requires, the words and phrases used in this chapter shall have the same meaning as the words and phrases used in chapter 490, including but not limited to the words and phrases used in section 490.140. In addition, all of the following shall apply:

1. "*Benefit corporation*" means a business corporation, if all of the following apply:

a. It has elected to become subject to this chapter.

b. Its status as a benefit corporation has not been terminated.

2. "*Benefit director*" means any of the following:

a. A director designated as the benefit director of a benefit corporation under section 490B.302.

b. A person with one or more of the powers, duties, or rights of a benefit director to the extent provided in the articles of incorporation, bylaws, or a shareholder agreement under section 490B.302, subsection 6.

3. "*Benefit enforcement proceeding*" means a claim or action relating to any of the following:

a. The failure of a benefit corporation to pursue or create general public benefit or a specific public benefit set forth in its articles of incorporation.

b. A violation of any obligation, duty, or standard of conduct provided under this chapter.

4. "*Benefit officer*" means an individual designated as the benefit officer of a benefit corporation under section 490B.304.

5. "*Business corporation*" means a corporation formed as a

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1 domestic corporation under chapter 490.

2 6. "*Entity*" means a person formed under the laws of  
3 this state including but not limited to a limited liability  
4 company under chapter 489; a corporation under chapter 490;  
5 a nonprofit corporation under chapter 504; a partnership,  
6 limited partnership, limited liability partnership, or limited  
7 liability limited partnership under chapter 486A or 488; or a  
8 cooperative association or other cooperative organized under  
9 chapter 497, 498, 499, 501, or 501A.

10 7. "*General public benefit*" means a material positive impact  
11 on society or the environment, taken as a whole, assessed  
12 against a third-party standard, which results from the business  
13 and operations of a benefit corporation.

14 8. "*Independent*" means having no material relationship  
15 with a benefit corporation or a subsidiary of the benefit  
16 corporation as provided in section 490B.304A.

17 9. "*Minimum status vote*" means any of the following:

18 a. In the case of a business corporation, in addition to any  
19 other required approval or vote required under chapter 490, the  
20 satisfaction of all of the following conditions:

21 (1) The shareholders of every class or series are  
22 entitled to vote as a separate voting group on the corporate  
23 action regardless of a limitation stated in the articles of  
24 incorporation or bylaws regarding the voting rights of any  
25 class or series.

26 (2) The corporate action is approved by vote of the  
27 shareholders of each class or series entitled to cast at least  
28 two-thirds of the votes that all shareholders of the class or  
29 series are entitled to cast on the action.

30 b. In the case of an entity other than a business  
31 corporation, in addition to any other required approval, vote,  
32 or consent, the satisfaction of all the following conditions:

33 (1) The holders of every class or series of equity interest  
34 in the entity that are entitled to receive a distribution of  
35 any kind from the entity are entitled to vote on or consent to

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1 the action regardless of any otherwise applicable limitation on  
2 the voting or consent rights of any class or series.

3 (2) The action is approved by vote or consent of the  
4 holders described in subparagraph (1) entitled to cast at least  
5 two-thirds of the votes or consents that all of those holders  
6 are entitled to cast on the action.

7 10. "*Specific public benefit*" means any of the following:

8 a. Providing low-income or underserved individuals or  
9 communities with beneficial products or services.

10 b. Promoting economic opportunity for individuals or  
11 communities beyond the creation of jobs in the normal course  
12 of business.

13 c. Protecting or restoring the environment.

14 d. Improving human health.

15 e. Promoting the arts, sciences, or advancement of  
16 knowledge.

17 f. Increasing the flow of capital to entities with a purpose  
18 to benefit society or the environment.

19 g. Conferring any other particular benefit on society or the  
20 environment.

21 11. "*Subsidiary*" means, in relation to a person, an entity  
22 in which the person holds beneficially or of record fifty  
23 percent or more of the outstanding equity interests.

24 12. "*Third-party standard*" means a recognized standard  
25 for defining, reporting, and assessing corporate social or  
26 environmental performance that is all of the following:

27 a. Comprehensive because the standard assesses the effect of  
28 the business and its operations upon the interests listed in  
29 section 490B.301, subsection 1, paragraphs "b" through "e".

30 b. Developed by an entity that is not controlled by the  
31 benefit corporation.

32 c. Credible because the standard is developed by an entity  
33 that meets all of the following conditions:

34 (1) Has access to necessary expertise to assess overall  
35 corporate social or environmental performance.



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1 (2) Uses a balanced multiple stakeholder approach to  
2 develop the standard, including a reasonable public comment  
3 period.

4 d. Transparent because the following information is made  
5 publicly available:

6 (1) A description of the standard that includes all of the  
7 following:

8 (a) Criteria considered when measuring the overall social  
9 or environmental performance of a business corporation.

10 (b) The relative weightings, if any, of the criteria  
11 described in subparagraph division (a).

12 (2) A description of the development and revision of the  
13 standard which includes all of the following:

14 (a) The identity of the directors, officers, material  
15 owners, and the governing body of the entity that developed and  
16 controls revisions to the standard.

17 (b) The process by which revisions to the standard and  
18 changes to the membership of the governing body are made.

19 (c) An accounting of the revenue and sources of financial  
20 support for the entity, with sufficient detail to disclose any  
21 relationship that could reasonably be considered to present a  
22 potential conflict of interest.

23 Sec. 3. NEW SECTION. 490B.103 Application and effect of  
24 chapter.

25 1. This chapter applies to all benefit corporations.

26 2. The existence of a provision of this chapter shall not  
27 of itself create an implication that a contrary or different  
28 rule of law is applicable to a business corporation that is not  
29 a benefit corporation. This chapter shall not affect a statute  
30 or rule of law that is applicable to a business corporation  
31 that is not a benefit corporation.

32 3. Chapter 490 shall be construed as part of this chapter  
33 and shall apply to benefit corporations, including but not  
34 limited to their formation or organization, reports, fees,  
35 authority, powers, rights, and the regulation and conduct of

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1 their affairs.

2 4. A benefit corporation may be subject simultaneously to  
3 this chapter and one or more other chapters of this title,  
4 including chapter 496C. In such event, the provisions of  
5 this chapter shall take precedence with respect to a benefit  
6 corporation.

7 5. A provision of the articles of incorporation or bylaws of  
8 a benefit corporation shall not limit, be inconsistent with, or  
9 supersede a provision of this chapter.

10 Sec. 4. NEW SECTION. 490B.104 Incorporation of benefit  
11 corporation.

12 A benefit corporation shall be incorporated in accordance  
13 with chapter 490, division II. The articles of incorporation  
14 of a benefit corporation must also state that it is a benefit  
15 corporation.

16 Sec. 5. NEW SECTION. 490B.105 Election of benefit  
17 corporation status.

18 1. An existing business corporation may become a benefit  
19 corporation under this chapter by amending its articles of  
20 incorporation so that the articles contain, in addition to  
21 the requirements of chapter 490, division II, a statement  
22 that the corporation is a benefit corporation. In order to  
23 be effective, the amendment must be adopted by at least the  
24 minimum status vote.

25 2. a. An entity that is not a benefit corporation may  
26 become a benefit corporation pursuant to subsection 1 if all  
27 of the following apply:

28 (1) The entity is one of the following:

29 (a) A party to a merger or conversion.

30 (b) An exchanging entity in a share exchange.

31 (2) The surviving, new, or resulting entity in the merger,  
32 conversion, or share exchange is to be a benefit corporation.

33 b. In order to be effective, a plan of merger, conversion,  
34 or share exchange subject to paragraph "a" must be adopted by at  
35 least the minimum status vote.

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1     Sec. 6. NEW SECTION.   **490B.106 Termination of benefit**  
2     **corporation status.**

3     1. A benefit corporation may terminate its status as  
4 such and cease to be subject to this chapter by amending its  
5 articles of incorporation to delete the provision required by  
6 section 490B.104 or 490B.105 to be stated in the articles of a  
7 benefit corporation. In order to be effective, the amendment  
8 must be adopted by at least the minimum status vote.

9     2. If a plan of merger, conversion, or share exchange  
10 would have the effect of terminating the status of a business  
11 corporation as a benefit corporation, the plan must be adopted  
12 by at least the minimum status vote in order to be effective.  
13 Any sale, lease, exchange, or other disposition of all or  
14 substantially all of the assets of a benefit corporation,  
15 unless the transaction is in the usual and regular course of  
16 business, shall not be effective unless the transaction is  
17 approved by at least the minimum status vote.

18                                 SUBCHAPTER II  
19                                 CORPORATE PURPOSES

20     Sec. 7. NEW SECTION.   **490B.201 Corporate purposes.**

21     1. A benefit corporation shall have a purpose of creating  
22 a general public benefit. This purpose is in addition to its  
23 purpose under section 490.301.

24     2. The articles of incorporation of a benefit corporation  
25 may identify one or more specific public benefits to be created  
26 as a purpose in addition to any purpose provided in section  
27 490.301 or subsection 1. The identification of a specific  
28 public benefit under this subsection does not limit the  
29 obligation of a benefit corporation under subsection 1.

30     3. The creation of a general public benefit as described  
31 in subsection 1 and a specific public benefit as described  
32 in subsection 2 must be in the best interests of the benefit  
33 corporation.

34     4. A benefit corporation may amend its articles of  
35 incorporation to add, amend, or delete the identification of a

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1 specific public benefit that it is the purpose of the benefit  
2 corporation to create. In order to be effective, the amendment  
3 must be adopted by at least the minimum status vote.

4 5. A professional corporation that is a benefit corporation  
5 does not violate section 496C.4 by having the purpose to create  
6 a general public benefit as provided in subsection 1 or a  
7 specific public benefit as provided in subsection 2.

8 SUBCHAPTER III  
9 ACCOUNTABILITY

10 Sec. 8. NEW SECTION. 490B.301 Standard of conduct for  
11 directors.

12 1. In discharging the duties of their respective positions  
13 and in considering the best interests of the benefit  
14 corporation, a benefit corporation's board of directors,  
15 committees, and individual directors shall consider the effects  
16 of any action or inaction upon all of the following:

17 a. The shareholders of the benefit corporation.

18 b. The employees and workforce of the benefit corporation,  
19 its subsidiaries, and its suppliers.

20 c. The interests of customers as beneficiaries of the  
21 general public benefit or specific public benefit of the  
22 benefit corporation as provided in section 490B.201.

23 d. Community or societal factors, including those of  
24 each community in which offices or facilities of the benefit  
25 corporation, its subsidiaries, or its suppliers are located.

26 e. The local and global environment.

27 f. The short-term and long-term interests of the benefit  
28 corporation, including but not limited to benefits that may  
29 accrue to the benefit corporation from its long-term plans and  
30 the possibility that these interests may be best served by the  
31 continued independence of the benefit corporation.

32 g. The ability of the benefit corporation to create its  
33 general public benefit or any specific public benefit as  
34 provided in section 490B.201.

35 2. In discharging the duties of their respective positions

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1 and in considering the best interests of the benefit  
2 corporation, a benefit corporation's board of directors,  
3 committees, and individual directors may consider any of the  
4 following:  
5     a. The interests referred to in section 490.1108A.  
6     b. Any other pertinent factor or the interest of any other  
7 person or group of persons deemed appropriate.  
8     3. In discharging the duties of their respective positions  
9 and in considering the best interests of the benefit  
10 corporation, a benefit corporation's board of directors,  
11 committees, and individual directors need not give priority to  
12 the interest of a particular person referred to in subsection 1  
13 or 2 over the interests of any other person unless the benefit  
14 corporation's articles of incorporation state the benefit  
15 corporation's intention to give priority to a certain interest  
16 related to a general public benefit or a specific public  
17 benefit as provided in section 490B.201.  
18     4. The consideration of an interest or factor in the manner  
19 required by subsections 1 through 3 shall not constitute a  
20 violation of section 490.830.  
21     5. Except as provided in the articles of incorporation or  
22 bylaws of a benefit corporation, a director is not personally  
23 liable for monetary damages for any of the following:  
24     a. An action or inaction in the course of performing the  
25 duties of a director under subsections 1 through 3 if the  
26 director performed the duties of office in compliance with this  
27 section and section 490.830.  
28     b. The failure of the benefit corporation to pursue or  
29 create a general public benefit or a specific public benefit as  
30 provided in section 490B.201.  
31     6. A director of a benefit corporation does not have a duty  
32 to a person who is a beneficiary of the general public benefit  
33 or a specific public benefit of the benefit corporation as  
34 provided in section 490B.201, arising from the status of the  
35 person as a beneficiary.



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1 7. A director of a benefit corporation who makes a business  
2 judgment in good faith fulfills the duty under this section if  
3 all of the following apply:

4 a. The director is not interested in the subject of the  
5 business judgment.

6 b. The director is informed with respect to the subject of  
7 the business judgment to the extent the director reasonably  
8 believes to be appropriate under the circumstances.

9 c. The director rationally believes that the business  
10 judgment is in the best interests of the benefit corporation.

11 Sec. 9. NEW SECTION. 490B.302 Benefit director.

12 1. The board of directors of a benefit corporation that is  
13 a publicly traded corporation shall, and the board of any other  
14 benefit corporation may, include a director who is designated  
15 the benefit director. Such director shall have, in addition  
16 to the powers, duties, rights, and immunities of the other  
17 directors of the benefit corporation, the powers, duties,  
18 rights, and immunities provided in this subchapter.

19 2. a. A benefit director shall be elected, and may be  
20 removed, in the manner provided by chapter 490, division VIII,  
21 part A. Except as provided in subsection 6, the benefit  
22 director shall be an individual who is independent. The  
23 benefit director may serve as the benefit officer at the  
24 same time as serving as the benefit director. The articles  
25 of incorporation or bylaws of a benefit corporation may  
26 prescribe additional qualifications of the benefit director not  
27 inconsistent with this paragraph.

28 b. Notwithstanding paragraph "a", a benefit director of  
29 a professional corporation subject to chapter 496C is not  
30 required to be independent.

31 3. The benefit director shall prepare, and the benefit  
32 corporation shall include in the annual benefit report to  
33 shareholders required by section 490B.401, the opinion of the  
34 benefit director regarding all of the following:

35 a. Whether the benefit corporation acted in accordance with



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1 its general public benefit and any specific public benefit as  
2 provided in section 490B.201 in all material respects during  
3 the period covered by the report.

4     **b.** Whether the directors and officers complied with section  
5 490B.301, subsection 1, and section 490B.303, subsection 1,  
6 respectively.

7     **c.** If, in the opinion of the benefit director, the benefit  
8 corporation's directors or officers failed to comply with  
9 paragraph "b", a description of the ways in which the benefit  
10 corporation's directors or officers failed to comply.

11     4. An act or inaction of an individual in the capacity of a  
12 benefit director shall constitute for all purposes an act or  
13 inaction of that individual in the capacity of a director of  
14 the benefit corporation.

15     5. Regardless of whether the articles of incorporation or  
16 bylaws of a benefit corporation include a provision eliminating  
17 or limiting the personal liability of a director authorized by  
18 section 490.202, a benefit director is not personally liable  
19 for an act or omission in the director's capacity as a benefit  
20 director unless the act or omission constitutes self-dealing,  
21 willful misconduct, or a knowing violation of law.

22     6. **a.** The articles of incorporation, bylaws, or a  
23 shareholder agreement under section 490.732 of a benefit  
24 corporation shall provide that the persons who perform the  
25 duties of the board of directors include a person with the  
26 powers, duties, rights, and immunities of a benefit director if  
27 the articles of incorporation, bylaws, or shareholder agreement  
28 provides that the powers and duties conferred or imposed upon  
29 the board of directors may be exercised or performed by a  
30 person other than the directors.

31     **b.** A person that exercises one or more of the powers,  
32 duties, or rights of a benefit director under paragraph "a" is  
33 subject to all of the following:

34     (1) Is not required to be independent of the benefit  
35 corporation.

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1 (2) Has the immunities of a benefit director.

2 (3) May share the powers, duties, and rights of a benefit  
3 director with one or more other persons.

4 (4) Shall not be subject to the procedures for election or  
5 removal of directors as provided in chapter 490, division VIII,  
6 part A, unless any of the following applies:

7 (a) The person is also a director of the benefit  
8 corporation.

9 (b) The articles of incorporation, bylaws, or a shareholder  
10 agreement make those procedures applicable.

11 Sec. 10. NEW SECTION. 490B.303 Standard of conduct for  
12 officers.

13 1. Each officer of a benefit corporation shall consider the  
14 interests and factors described in section 490B.301, subsection  
15 1, in the manner provided in that subsection if all of the  
16 following apply:

17 a. The officer has discretion to act with respect to a  
18 matter.

19 b. It reasonably appears to the officer that the matter  
20 may have a material effect on the creation by the benefit  
21 corporation of its general public benefit or a specific public  
22 benefit as provided in section 490B.201.

23 2. The consideration of the best interests of the benefit  
24 corporation in the manner described in subsection 1 shall not  
25 constitute a violation of section 490.842.

26 3. Except as provided in the articles of incorporation or  
27 bylaws of a benefit corporation, an officer is not personally  
28 liable for monetary damages for any of the following:

29 a. An action or inaction as an officer in the course of  
30 performing the duties of an officer under subsection 1 if the  
31 officer performed the duties of the position in compliance with  
32 section 490.842 and this section.

33 b. The failure of the benefit corporation to pursue or  
34 create its general public benefit or a specific public benefit  
35 as provided in section 490B.201.

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1 4. An officer does not have a duty to a person who is  
2 a beneficiary of the general public benefit or a specific  
3 public benefit of the benefit corporation, as provided in  
4 section 490B.201, arising from the status of the person as a  
5 beneficiary.

6 5. An officer who makes a business judgment in good faith  
7 fulfills the duty under this section if all of the following  
8 apply:

9 a. The officer is not interested in the subject of the  
10 business judgment.

11 b. The officer is informed with respect to the subject of  
12 the business judgment to the extent the officer reasonably  
13 believes to be appropriate under the circumstances.

14 c. The officer rationally believes that the business  
15 judgment is in the best interests of the benefit corporation.

16 Sec. 11. NEW SECTION. **490B.304 Benefit officer.**

17 1. A benefit corporation may have an officer designated as  
18 the benefit officer.

19 2. a. A benefit officer shall have the powers and duties  
20 relating to the purpose of the corporation to create a general  
21 public benefit or a specific public benefit as provided in  
22 section 490B.201, if authorized by any of the following:

23 (1) The articles of incorporation or bylaws of the benefit  
24 corporation.

25 (2) Absent any controlling provisions in the articles  
26 of incorporation or bylaws of the benefit corporation, by  
27 resolution or order of the benefit corporation's board of  
28 directors.

29 b. A benefit officer shall have the duty to prepare the  
30 benefit report required by section 490B.401.

31 Sec. 12. NEW SECTION. **490B.304A Benefit officers and**  
32 **directors — criteria for independence.**

33 1. Serving as a benefit director or benefit officer  
34 shall not alone affect whether an individual is or is not  
35 independent.





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1     2. A material relationship between an individual and a  
2 benefit corporation or any of its subsidiaries is conclusively  
3 presumed to exist if any of the following apply:

4     a. The individual is, or has been within the last three  
5 years, an employee other than a benefit officer of the benefit  
6 corporation or a subsidiary.

7     b. An immediate family member of the individual is, or  
8 has been within the last three years, an executive officer  
9 other than a benefit officer of the benefit corporation or a  
10 subsidiary.

11    c. There is beneficial or record ownership of five percent  
12 or more of the outstanding shares of the benefit corporation,  
13 calculated as if all outstanding rights to acquire equity  
14 interests in the benefit corporation had been exercised, by any  
15 of the following:

16     (1) The individual.

17     (2) An entity if any of the following apply:

18       (a) The individual is a director, an officer, or a manager  
19 of the entity.

20       (b) The individual owns beneficially or of record five  
21 percent or more of the entity's outstanding equity interests,  
22 calculated as if all outstanding rights to acquire equity  
23 interests in the entity had been exercised.

24    Sec. 13. NEW SECTION. **490B.305 Right of action — benefit**  
25 **enforcement proceedings.**

26    1. a. Except in a benefit enforcement proceeding, a person  
27 shall not bring an action or assert a claim against a benefit  
28 corporation or its directors or officers with respect to any  
29 of the following:

30       (1) The failure of the benefit corporation to pursue or  
31 create a general public benefit or a specific public benefit  
32 as set forth in its articles of incorporation as provided in  
33 section 490B.201.

34       (2) A violation of an obligation, duty, or standard of  
35 conduct under this chapter.

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1     *b.* A benefit corporation shall not be liable for monetary  
2 damages under this chapter for any failure of the benefit  
3 corporation to pursue or create a general public benefit or a  
4 specific public benefit as provided in section 490B.201.

5     2. A benefit enforcement proceeding may be commenced or  
6 maintained only as follows:

7     *a.* Directly by the benefit corporation.

8     *b.* Derivatively, in accordance with chapter 490, division  
9 VII, part D by any of the following:

10     (1) A person or group of persons that owns beneficially or  
11 of record at least two percent of the total number of shares  
12 of all classes and series outstanding on the date of the  
13 complained of action or inaction.

14     (2) A director of the benefit corporation.

15     (3) A person or group of persons that owns beneficially  
16 or of record five percent or more of the outstanding equity  
17 interests in an entity of which the benefit corporation is a  
18 subsidiary on the date of the complained of action or inaction.

19     (4) Any other person or group of persons as specified in the  
20 articles of incorporation or bylaws of the benefit corporation.

21     3. For purposes of this section, a person is the beneficial  
22 owner of shares or equity interests if the shares or equity  
23 interests are held in a voting trust or by a nominee on behalf  
24 of the beneficial owner.

25                                 SUBCHAPTER IV

26                                 TRANSPARENCY

27     Sec. 14. NEW SECTION. 490B.401 Preparation of annual  
28 benefit report.

29     1. A benefit corporation shall prepare an annual benefit  
30 report which shall include at least all of the following:

31     *a.* A narrative description of all of the following:

32     (1) The ways in which the benefit corporation pursued or  
33 created a general public benefit.

34     (2) The ways in which the benefit corporation pursued  
35 or created a specific public benefit, as provided in section

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1 490B.201, to the extent that the specific public benefit is  
2 stated in the benefit corporation's articles of incorporation.

3 (3) Any circumstances that have hindered the pursuit or  
4 creation of a general public benefit or a specific public  
5 benefit as provided in section 490B.201.

6 (4) The process and rationale for selecting or changing the  
7 third-party standard used to prepare the benefit report.

8 b. An assessment of the overall social or environmental  
9 performance of the benefit corporation against a third-party  
10 standard that is all of the following:

11 (1) Applied consistently with any application of the  
12 third-party standard in prior benefit reports.

13 (2) Accompanied by an explanation of the reasons for any of  
14 the following:

15 (a) Inconsistent application.

16 (b) A change to the third-party standard from the standard  
17 used in the immediately prior report.

18 c. The name of the benefit director and the benefit officer,  
19 if any, and the address to which correspondence to each of them  
20 may be directed.

21 d. The compensation paid by the benefit corporation, during  
22 the year, to each director in the capacity of a director.

23 e. The opinion of the benefit director described in section  
24 490B.302, subsection 3.

25 f. A statement of any connection between the organization  
26 that established the third-party standard, or its directors,  
27 officers, or any holder of five percent or more of the  
28 governance interests in the organization, and the benefit  
29 corporation or its directors, officers, or any holder of five  
30 percent or more of the outstanding shares of the benefit  
31 corporation, including any financial or governance relationship  
32 which might materially affect the credibility of the use of the  
33 third-party standard.

34 g. If the benefit corporation has dispensed with, or  
35 restricted the discretion or powers of, the board of directors,

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1 a description of all of the following:

2 (1) Each person who exercises the powers, duties, and rights  
3 of the benefit corporation and who has the immunities of the  
4 board of directors.

5 (2) The person who is designated as a benefit director or  
6 who exercises the powers and duties of a benefit director as  
7 required by section 490B.302.

8 2. If, during the year covered by a benefit report,  
9 a benefit director resigned from or refused to stand for  
10 reelection to the position of benefit director, or was removed  
11 from the position of benefit director, and the benefit director  
12 furnished the benefit corporation with written correspondence  
13 concerning the circumstances surrounding the resignation,  
14 refusal, or removal, the benefit report shall include that  
15 correspondence as an exhibit.

16 3. Neither the benefit report nor the assessment of the  
17 performance of the benefit corporation in the benefit report  
18 required by subsection 1, paragraph "b", is required to be  
19 audited or certified by a third party.

20 Sec. 15. NEW SECTION. 490B.402 Availability of annual  
21 benefit report — filing — fee.

22 1. A benefit corporation shall send its annual benefit  
23 report to each shareholder on the earlier of any of the  
24 following:

25 a. One hundred twenty days following the end of the fiscal  
26 year of the benefit corporation.

27 b. The date that the benefit corporation delivers any other  
28 annual report to its shareholders.

29 2. A benefit corporation shall post all of its benefit  
30 reports on the public portion of its internet site, if any.  
31 However, the compensation paid to directors and financial or  
32 proprietary information included in a benefit report required  
33 pursuant to section 490B.401 may be omitted from the benefit  
34 reports as posted.

35 3. a. Concurrently with the delivery of the benefit report

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1 to shareholders under subsection 1, the benefit corporation  
2 shall deliver a copy of the benefit report to the secretary  
3 of state for filing. However, the compensation paid to  
4 directors and financial or proprietary information included in  
5 the benefit report may be omitted from the benefit report as  
6 delivered to the secretary of state.

7     **b.** The secretary of state may impose and collect a fee of  
8 not more than ten dollars for filing a benefit report.

9                                   EXPLANATION

10     **GENERAL.** This bill allows a business corporation to  
11 incorporate and operate as a benefit corporation, generally  
12 subject to the Iowa business corporation Act (Code chapter 490)  
13 except as provided in the bill's new Code chapter (Code chapter  
14 490B).

15     **ELECTION TO ATTAIN OR TERMINATE BENEFIT CORPORATION STATUS.**  
16 The bill provides that a business corporation attains or  
17 terminates its status as a benefit corporation by shareholder  
18 election. The election must be by an affirmative vote of  
19 at least two-thirds of each of the corporation's classes of  
20 shareholders, or a higher vote threshold if required in its  
21 articles of incorporation (referred to as a "minimum status  
22 vote").

23     **ARTICLES OF INCORPORATION.** The bill provides that a benefit  
24 corporation's articles of incorporation must have as a purpose  
25 the creation of a general public benefit which provides some  
26 material positive impact on society or the environment as  
27 assessed against a third-party standard. The bill provides  
28 that a benefit corporation's articles of incorporation may  
29 list one or more specific public purposes, including providing  
30 low-income or underserved individuals or communities with  
31 beneficial products or services, promoting economic opportunity  
32 beyond the creation of jobs in the normal course of business,  
33 preserving the environment, improving human health, promoting  
34 the arts or sciences, or increasing the flow of capital to  
35 entities with a public benefit purpose.

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1 BOARD ACTION. The bill requires a benefit corporation's  
2 board of directors, in addition to its fiduciary duty to make  
3 decisions based on financial interests, to also consider  
4 factors associated with creating a general public benefit or  
5 furthering a specific public benefit, or other beneficial  
6 goal. The bill requires the board of directors to consider  
7 the effects of its actions upon its shareholders, employees,  
8 and workforce; subsidiaries and suppliers; customers as  
9 beneficiaries of the general or specific public benefit  
10 purposes; the impacts upon the community; the local and global  
11 environment; and the short-term and long-term interests of the  
12 benefit corporation. The bill limits a director's personal  
13 liability due to any failure of the benefit corporation to  
14 accomplish a general or specific public benefit purpose.

15 LEGAL ACTIONS. The bill prohibits a person from bringing an  
16 action against a benefit corporation or its directors, except  
17 in a benefit enforcement proceeding. A benefit enforcement  
18 proceeding can only be commenced by the benefit corporation  
19 or derivatively by a person or group that holds shares in  
20 the corporation or an equity interest in the corporation, by  
21 a director, or by any other person or group provided in the  
22 articles of incorporation.

23 BENEFIT DIRECTOR AND OFFICER. The bill requires a public  
24 corporation's board of directors to include a benefit director.  
25 A privately held benefit corporation's board may include  
26 such director. Such director must be independent, having  
27 no material relationship with the benefit corporation. The  
28 bill provides that a benefit corporation may have a benefit  
29 officer who is charged with overseeing the creation of the  
30 corporation's general public benefit or a specific public  
31 benefit.

32 REPORT. The bill requires a benefit corporation to prepare  
33 an annual benefit report to its shareholders. The report is  
34 to be prepared by its benefit officer, if it has one. The  
35 report must include the process and rationale for selecting a

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1 third-party standard used to prepare the benefit report, the  
2 ways in which the benefit corporation pursued its general and  
3 specific public benefits, any circumstances that hindered the  
4 creation of a general or specific public benefit, an assessment  
5 of the overall social or environmental performance of the  
6 benefit corporation prepared in accordance with a third-party  
7 standard, and a statement prepared by the benefit director  
8 indicating whether the benefit corporation pursued its general  
9 or any specific public benefit purpose. The bill also requires  
10 the benefit corporation to file the benefit report with the  
11 secretary of state and pay the secretary of state a filing fee.



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House File 289 - Introduced

HOUSE FILE 289  
BY ROGERS

A BILL FOR

1 An Act authorizing a city to use city reserve funds as a loan  
2 for certain projects.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1761YH (1) 85  
aw/sc





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1 Section 1. Section 384.4, subsection 1, Code 2013, is  
2 amended by adding the following new paragraph:

3 NEW PARAGRAPH. *f.* Payments of principal and interest on  
4 loans entered into pursuant to section 384.24B and authorized  
5 for repayment by the council from the fund.

6 Sec. 2. NEW SECTION. **384.24B General obligation loans**  
7 **funded by the city.**

8 1. A city may authorize a loan, as defined in this section,  
9 to borrow money for any public project in accordance with and  
10 subject to the provisions of this section.

11 2. For purposes of this section, "loan" means the sum of  
12 the transfers from one or more reserve accounts or funds of the  
13 city which transfers are authorized for the purpose specified  
14 in the loan authorization document. A transfer from a reserve  
15 account or fund for the purposes of this section shall not  
16 cause the balance of reserves in such account or fund at the  
17 close of the fiscal year following the fiscal year in which the  
18 transfer is made to fall below any minimum balance prescribed  
19 by law for such account or fund.

20 3. A loan entered into by a city pursuant to this section  
21 may contain provisions similar to those found in loan  
22 agreements between private parties, including but not limited  
23 to the issuance of notes to evidence its obligations.

24 4. A loan made pursuant to this section is payable from the  
25 debt service fund of the city. The governing body shall follow  
26 the same authorization procedures required for the issuance  
27 of general obligation bonds issued for the same purpose to  
28 authorize a loan made payable from the debt service fund.

29 5. A loan made pursuant to this section shall provide that a  
30 portion of the payments be applied as interest at a rate set by  
31 the council in the authorization for the loan. The council may  
32 determine a rate of interest that shall not be below that set  
33 for a certificate of deposit at a financial institution defined  
34 in chapter 12C and that shall not exceed the lowest rate of  
35 interest payable on a bond issuance, such rate being determined

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1 at the time the loan is authorized. Other laws relating to  
2 interest rates do not apply.

3 6. Repayments of principal and interest shall be applied  
4 to the reserve fund or account from which all or a portion of  
5 the funds were advanced for the loan in the proportion that the  
6 amount of the advance from the fund or account bears to the  
7 entire amount of the loan.

8 7. The limitation in section 346.24 does not apply to a  
9 transfer made pursuant to this section or to a loan authorized  
10 pursuant to this section.

11 Sec. 3. Section 384.25, Code 2013, is amended to read as  
12 follows:

13 **384.25 General obligation bonds or loans for essential**  
14 **purposes.**

15 1. A city which proposes to carry out any essential  
16 corporate purpose within or without its corporate limits, and  
17 to contract indebtedness and issue general obligation bonds or  
18 authorize a loan described in section 384.24B, to provide funds  
19 to pay all or any part of the cost of a project must do so in  
20 accordance with the provisions of this division.

21 2. Before the council may institute proceedings for the  
22 issuance of bonds or authorization of a loan for an essential  
23 corporate purpose, a notice of the proposed action, including  
24 a statement of the amount and purposes of the bonds or loan,  
25 and the time and place of the meeting at which the council  
26 proposes to take action for the issuance of the bonds or  
27 authorization of the loan, must be published as provided in  
28 section 362.3. At the meeting, the council shall receive oral  
29 or written objections from any resident or property owner  
30 of the city. After all objections have been received and  
31 considered, the council may, at that meeting or any adjournment  
32 thereof, take additional action for the issuance of the bonds  
33 or authorization of the loan or abandon the proposal to issue  
34 the bonds or authorize the loan. Any resident or property  
35 owner of the city may appeal the decision of the council to

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1 take additional action to the district court of the county in  
2 which any part of the city is located, within fifteen days  
3 after the additional action is taken, but the additional action  
4 of the council is final and conclusive unless the court finds  
5 that the council exceeded its authority. The provisions of  
6 this subsection with respect to notice, hearing, and appeal,  
7 are in lieu of the provisions contained in chapter 73A, or any  
8 other law.

9 3. a. Notwithstanding subsection 2, a council may institute  
10 proceedings for the issuance of bonds or the authorization of a  
11 loan for an essential corporate purpose specified in section  
12 384.24, subsection 3, paragraph "w" or "x", in an amount equal  
13 to or greater than three million dollars by causing a notice  
14 of the proposal to issue the bonds or authorize the loan,  
15 including a statement of the amount and purpose of the bonds  
16 or loan, together with the maximum rate of interest which the  
17 bonds are to bear or which will be charged to the principal  
18 balance of the loan, and the right to petition for an election,  
19 to be published at least once in a newspaper of general  
20 circulation within the city at least ten days prior to the  
21 meeting at which it is proposed to take action for the issuance  
22 of the bonds or the authorization of the loan.

23 b. If at any time before the date fixed for taking action  
24 for the issuance of the bonds or the authorization of the  
25 loan, a petition is filed with the clerk of the city signed  
26 by eligible electors of the city equal in number to twenty  
27 percent of the persons in the city who voted for the office of  
28 president of the United States at the last preceding general  
29 election that had such office on the ballot, asking that the  
30 question of issuing the bonds or authorizing the loan be  
31 submitted to the registered voters of the city, the council  
32 shall either by resolution declare the proposal to issue the  
33 bonds or authorize the loan to have been abandoned or shall  
34 direct the county commissioner of elections to call a special  
35 election upon the question of issuing the bonds or authorizing

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1 the loan. Notice of the election and its conduct shall be in  
2 the manner provided in section 384.26.

3     c. If a petition is not filed, or if a petition is filed and  
4 the proposition of issuing the bonds or authorizing the loan  
5 is approved at an election, the council may proceed with the  
6 authorization and issuance of the bonds or authorization of the  
7 loan.

8     Sec. 4. Section 384.26, subsections 1, 2, 4, and 5, Code  
9 2013, are amended to read as follows:

10     1. A city which proposes to carry out any general corporate  
11 purpose within or without its corporate limits, and to contract  
12 indebtedness and issue general obligation bonds or authorize a  
13 loan described in section 384.24B, to provide funds to pay all  
14 or any part of the costs of a project, must do so in accordance  
15 with the provisions of this division.

16     2. Before the council may institute proceedings for the  
17 issuance of bonds or authorization of a loan for a general  
18 corporate purpose, it shall call a special city election to  
19 vote upon the question of issuing the bonds or authorizing the  
20 loan. At the election the proposition must be submitted in one  
21 of the following form forms, as applicable:

22     Shall the ..... (insert the name of the city) issue  
23 its bonds in an amount not exceeding the amount of \$.... for  
24 the purpose of .....?

25     Shall the ..... (insert the name of the city) authorize  
26 a loan from its reserve funds in an amount not exceeding the  
27 amount of \$.... for the purpose of .....?

28     4. The proposition of issuing general corporate purpose  
29 bonds or authorizing a loan for a general corporate purpose  
30 is not carried or adopted unless the vote in favor of the  
31 proposition is equal to at least sixty percent of the total  
32 vote cast for and against the proposition at the election.  
33 If the proposition of issuing the general corporate purpose  
34 bonds or authorizing a loan for a general corporate purpose is  
35 approved by the voters, the city may proceed with the issuance

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1 of the bonds or authorization of the loan.

2 5. a. Notwithstanding the provisions of subsection 2,  
3 a council may, in lieu of calling an election, institute  
4 proceedings for the issuance of bonds or authorization of a  
5 loan for a general corporate purpose by causing a notice of the  
6 proposal to issue the bonds or authorize the loan, including  
7 a statement of the amount and purpose of the bonds or loan,  
8 together with the maximum rate of interest which the bonds are  
9 to bear or which the loan is to bear, and the right to petition  
10 for an election, to be published at least once in a newspaper  
11 of general circulation within the city at least ten days prior  
12 to the meeting at which it is proposed to take action for the  
13 issuance of the bonds or authorization of the loan subject to  
14 the following limitations:

15 (1) In cities having a population of five thousand or less,  
16 in an amount of not more than four hundred thousand dollars.

17 (2) In cities having a population of more than five thousand  
18 and not more than seventy-five thousand, in an amount of not  
19 more than seven hundred thousand dollars.

20 (3) In cities having a population in excess of seventy-five  
21 thousand, in an amount of not more than one million dollars.

22 b. If at any time before the date fixed for taking action  
23 for the issuance of the bonds or the authorization of the  
24 loan, a petition is filed with the clerk of the city in the  
25 manner provided by section 362.4, asking that the question  
26 of issuing the bonds or authorizing the loan be submitted to  
27 the registered voters of the city, the council shall either by  
28 resolution declare the proposal to issue the bonds or authorize  
29 the loan to have been abandoned or shall direct the county  
30 commissioner of elections to call a special election upon the  
31 question of issuing the bonds or authorizing the loan. Notice  
32 of the election and its conduct shall be in the manner provided  
33 in the preceding subsections of this section.

34 c. If no petition is filed, or if a petition is filed and  
35 the proposition of issuing the bonds or authorizing the loan

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1 is approved at an election, the council may proceed with the  
2 authorization and issuance of the bonds or the authorization  
3 of the loan.

4 EXPLANATION

5 This bill allows a city to borrow money from its reserve  
6 accounts or funds to pay for certain public projects. The bill  
7 requires that a city certify taxes to be levied for deposit in  
8 the debt service fund in the amount necessary to pay principal  
9 and interest on loans authorized under the bill.

10 The bill requires that such loans not cause the balances  
11 of such reserve accounts or funds to fall below any minimum  
12 balance prescribed by law. Such a loan shall be payable from  
13 the city debt service fund, and shall provide for interest  
14 payments at a rate set by the city council, as limited in the  
15 bill.

16 The bill requires that such authorization by a city council  
17 follow substantially the same procedures for the issuance of  
18 general obligation bonds for essential corporate purposes,  
19 pursuant to Code section 384.25, or for general corporate  
20 purposes, pursuant to Code section 384.26.



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House File 290 - Introduced

HOUSE FILE 290  
BY KRESSIG

A BILL FOR

1 An Act providing for the designation of a single  
2 point-of-contact to facilitate public safety communications  
3 regarding emergency communications operations.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2179YH (4) 85  
rn/nh



Iowa General Assembly  
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H.F. 290

1 Section 1. NEW SECTION. 34A.11 Communications — single  
2 point-of-contact.

3 1. The joint E911 service board in each enhanced 911  
4 service area shall designate a person to serve as a single  
5 point-of-contact to facilitate the communication of needs,  
6 issues, or concerns regarding emergency communications,  
7 interoperability, and other matters applicable to  
8 emergency E911 communications and migration to an internet  
9 protocol-enabled next generation network. The person  
10 designated as the single point-of-contact shall be responsible  
11 for facilitating the communication of such needs, issues, or  
12 concerns between public or private safety agencies within the  
13 service area, the E911 program manager, the E911 communications  
14 council, the statewide interoperable communications system  
15 board established in section 80.28, and any other person,  
16 entity, or agency the person deems necessary or appropriate.  
17 The person designated shall also be responsible for responding  
18 to surveys or requests for information applicable to the  
19 service area received from a federal, state, or local agency,  
20 entity, or board.

21 2. In the event a joint E911 service board fails to  
22 designate a single point-of-contact by November 1, 2013, the  
23 chairperson of the joint E911 service board shall serve in that  
24 capacity. The E911 service board shall submit the name and  
25 contact information for the person designated as the single  
26 point-of-contact to the E911 program manager by January 1  
27 annually.

28 3. The provisions of this section shall be equally  
29 applicable to an alternative legal entity created pursuant to  
30 chapter 28E if such an entity is established as an alternative  
31 to a joint E911 service board as provided in section 34A.3.  
32 If such an entity is established, the governing body of  
33 that entity shall designate the single point-of-contact for  
34 the entity, and the chairperson or representative official  
35 of the governing body shall serve in the event a single

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1 point-of-contact is not designated.

2 EXPLANATION

3 This bill provides for the designation of a single  
4 point-of-contact to facilitate public safety communications.

5 The bill provides that the joint E911 service board in  
6 each enhanced 911 service area shall designate a person  
7 to serve as a single point-of-contact to facilitate the  
8 communication of needs, issues, or concerns regarding emergency  
9 communications, interoperability, and other matters applicable  
10 to emergency E911 communications and migration to an internet  
11 protocol-enabled next generation network. The bill states that  
12 the person designated shall be responsible for facilitating the  
13 communication of such needs, issues, or concerns between public  
14 or private safety agencies within the service area, the E911  
15 program manager, the E911 communications council, the statewide  
16 interoperable communications system board established in Code  
17 section 80.28, or any other person, entity, or agency the  
18 person deems necessary or appropriate. The bill also requires  
19 the person designated to respond to surveys or requests for  
20 information applicable to the service area received from a  
21 federal, state, or local agency, entity, or board.

22 The bill provides that if a joint E911 service board fails to  
23 designate a single point-of-contact by November 1, 2013, the  
24 chairperson of the joint E911 service board shall serve in that  
25 capacity, and requires the E911 service board to submit the  
26 name and contact information for the person designated as the  
27 single point-of-contact to the E911 program manager by January  
28 1 annually.

29 The bill states that its provisions shall be applicable to a  
30 legal entity created pursuant to Code chapter 28E if such an  
31 entity is established as an alternative to a joint E911 service  
32 board as provided in Code section 34A.3, subsection 3. The  
33 bill further states that the governing body of that entity  
34 shall designate the single point-of-contact for the entity, and  
35 the chairperson or representative official of the governing

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rn/nh

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1 body shall serve in the event a single point-of-contact is not  
2 designated.



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**House File 291 - Introduced**

HOUSE FILE 291  
BY MASCHER

**A BILL FOR**

1 An Act prohibiting the establishment of a season to hunt  
2 mourning doves in the state and including effective date  
3 provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1734HH (3) 85  
av/nh



Iowa General Assembly  
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H.F. 291

1 Section 1. Section 481A.48, subsection 1, Code 2013, is  
2 amended to read as follows:

3 1. A person, except as otherwise provided by law, shall  
4 not willfully disturb, pursue, shoot, kill, take or attempt to  
5 take, or have in possession any of the following game birds  
6 or animals except within the open season established by the  
7 commission: gray or fox squirrel, bobwhite quail, cottontail  
8 or jackrabbit, duck, snipe, pheasant, goose, woodcock,  
9 partridge, ~~mourning dove~~, coot, rail, ruffed grouse, wild  
10 turkey, pigeon, or deer. The seasons, bag limits, possession  
11 limits, and locality shall be established by the department or  
12 commission under the authority of sections 456A.24, 481A.38,  
13 and 481A.39.

14 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
15 immediate importance, takes effect upon enactment.

16 EXPLANATION

17 This bill strikes language which authorizes the natural  
18 resource commission to establish a season for hunting mourning  
19 doves. The bill is effective upon enactment.



Iowa General Assembly  
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**House File 292 - Introduced**

HOUSE FILE 292  
BY ABDUL-SAMAD

**A BILL FOR**

1 An Act relating to an assault that occurs between persons in  
2 an intimate relationship and the crime of domestic abuse  
3 assault and making penalties applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2166YH (1) 85  
rh/rj



Iowa General Assembly  
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H.F. 292

1 Section 1. Section 708.2A, subsection 1, Code 2013, is  
2 amended to read as follows:

3 1. For the purposes of this chapter, "*domestic abuse*  
4 *assault*" means an assault, as defined in section 708.1, which  
5 is domestic abuse as defined in section 236.2, subsection 2,  
6 paragraph "a", "b", "c", ~~or~~ "d", or "e".

7 EXPLANATION

8 This bill relates to an assault that occurs between persons  
9 in an intimate relationship and the crime of domestic abuse  
10 assault.

11 The bill includes an assault, as defined in Code section  
12 708.1, that occurs between persons who are in an intimate  
13 relationship or who have been in an intimate relationship and  
14 who have had contact within the past year of the assault,  
15 in the definition of domestic abuse assault pursuant to Code  
16 section 708.2A. In determining whether persons are or have  
17 been in an intimate relationship, the court may consider the  
18 duration of the relationship, the frequency of interaction,  
19 whether the relationship has been terminated, and the nature of  
20 the relationship, characterized by either party's expectation  
21 of sexual or romantic involvement.

22 A person who commits domestic abuse assault commits a simple  
23 misdemeanor, a serious misdemeanor, an aggravated misdemeanor,  
24 or a class "D" felony depending upon the circumstances  
25 involved in the offense. A simple misdemeanor is punishable  
26 by confinement for no more than 30 days or a fine of at least  
27 \$65 but not more than \$625 or by both; a serious misdemeanor  
28 is punishable by confinement for no more than one year and a  
29 fine of at least \$315 but not more than \$1,875; an aggravated  
30 misdemeanor is punishable by confinement for no more than two  
31 years and a fine of at least \$625 but not more than \$6,250; and  
32 a class "D" felony is punishable by confinement for no more  
33 than five years and a fine of at least \$750 but not more than  
34 \$7,500.



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House File 293 - Introduced

HOUSE FILE 293

BY MASCHER

(COMPANION TO SF 163 BY  
BOLKCOM)

A BILL FOR

1 An Act relating to an assault that occurs between persons in  
2 an intimate relationship and the crime of domestic abuse  
3 assault and making penalties applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2320YH (1) 85  
rh/rj



Iowa General Assembly  
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H.F. 293

1 Section 1. Section 708.2A, subsection 1, Code 2013, is  
2 amended to read as follows:

3 1. For the purposes of this chapter, *"domestic abuse*  
4 *assault"* means an assault, as defined in section 708.1, which  
5 is domestic abuse as defined in section 236.2, subsection 2,  
6 paragraph *"a"*, *"b"*, *"c"*, ~~or~~ *"d"*, or *"e"*.

7 EXPLANATION

8 This bill relates to an assault that occurs between persons  
9 in an intimate relationship and the crime of domestic abuse  
10 assault.

11 The bill includes an assault, as defined in Code section  
12 708.1, that occurs between persons who are in an intimate  
13 relationship or who have been in an intimate relationship and  
14 who have had contact within the past year of the assault,  
15 in the definition of domestic abuse assault pursuant to Code  
16 section 708.2A. In determining whether persons are or have  
17 been in an intimate relationship, the court may consider the  
18 duration of the relationship, the frequency of interaction,  
19 whether the relationship has been terminated, and the nature of  
20 the relationship, characterized by either party's expectation  
21 of sexual or romantic involvement.

22 A person who commits domestic abuse assault commits a simple  
23 misdemeanor, a serious misdemeanor, an aggravated misdemeanor,  
24 or a class "D" felony depending upon the circumstances  
25 involved in the offense. A simple misdemeanor is punishable  
26 by confinement for no more than 30 days or a fine of at least  
27 \$65 but not more than \$625 or by both; a serious misdemeanor  
28 is punishable by confinement for no more than one year and a  
29 fine of at least \$315 but not more than \$1,875; an aggravated  
30 misdemeanor is punishable by confinement for no more than two  
31 years and a fine of at least \$625 but not more than \$6,250; and  
32 a class "D" felony is punishable by confinement for no more  
33 than five years and a fine of at least \$750 but not more than  
34 \$7,500.





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**House File 294 - Introduced**

HOUSE FILE 294  
BY R. OLSON

**A BILL FOR**

1 An Act relating to administrative sanctions and criminal  
2 penalties for driving without a valid driver's license.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1047YH (5) 85  
dea/nh



Iowa General Assembly  
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H.F. 294

1 Section 1. Section 321.218, subsections 1, 2, and 3, Code  
2 2013, are amended to read as follows:

3 1. A person whose driver's license or operating privilege  
4 has been denied, canceled, suspended, or revoked as provided  
5 in this chapter or as provided in section 252J.8 or section  
6 901.5, subsection 10, and who operates a motor vehicle upon  
7 the highways of this state while the license or privilege is  
8 denied, canceled, suspended, or revoked, commits a ~~simple~~  
9 serious misdemeanor. ~~In addition to any other penalties, the~~  
10 ~~punishment imposed for a violation of this subsection shall~~  
11 ~~include assessment of punishable by~~ a fine of not less than ~~two~~  
12 ~~hundred fifty~~ three hundred fifteen dollars nor more than one  
13 ~~thousand five~~ eight hundred ~~seventy-five~~ dollars.

14 2. The sentence imposed under this section shall not be  
15 suspended by the court, notwithstanding section 907.3 or any  
16 other statute. However, the court may, in its discretion,  
17 order the person to perform community service work equivalent  
18 in value to the fine imposed, as provided in section 909.3A.

19 3. a. The department, upon receiving the record of the  
20 conviction of a person under this section upon a charge of  
21 operating a motor vehicle while the license of the person is  
22 suspended or revoked, shall, except for licenses suspended  
23 under section 252J.8, 321.210, subsection 1, paragraph "a",  
24 subparagraph (3), or section 321.210A or 321.513, extend the  
25 period of suspension or revocation for an additional like  
26 period or for one year, whichever period is shorter, and the  
27 department shall not issue a new driver's license to the person  
28 during the extended period. For purposes of this paragraph,  
29 "new driver's license" does not mean a temporary restricted  
30 license issued under section 321.215.

31 b. If the department receives a record of a conviction of  
32 a person under this section but the person's driving record  
33 does not indicate what the original grounds of suspension were,  
34 the period of suspension under this subsection shall be for a  
35 period not to exceed six months.



Iowa General Assembly  
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H.F. 294

1 Sec. 2. Section 321.561, Code 2013, is amended to read as  
2 follows:

3 **321.561 Punishment for violation.**

4 It shall be unlawful for any person found to be a habitual  
5 offender to operate any motor vehicle in this state during  
6 the period of time specified in section 321.560 except for a  
7 habitual offender who has been granted a temporary restricted  
8 license pursuant to section 321.215, subsection 2. A person  
9 violating this section commits ~~an aggravated a serious~~  
10 misdemeanor punishable by a fine of not less than three hundred  
11 fifteen dollars nor more than one thousand eight hundred  
12 seventy-five dollars. The court may, in its discretion, order  
13 the person to perform community service work equivalent in  
14 value to the fine imposed, as provided in section 909.3A.

15 Sec. 3. NEW SECTION. **321.561A Multiple offenses involving**  
16 **one event or occurrence of driving.**

17 The court shall not enter a judgment or deferred judgment  
18 for more than one offense of operating a motor vehicle while  
19 the person's driver's license is denied, canceled, suspended,  
20 revoked, or barred under section 321.218, subsection 1, section  
21 321A.32, subsection 1, or section 321J.21, subsection 1, or any  
22 combination of such offenses, involving one event or occurrence  
23 of driving.

24 Sec. 4. Section 321A.32, subsection 1, Code 2013, is amended  
25 to read as follows:

26 1. Any person whose license or registration or  
27 nonresident's operating privilege has been suspended, denied,  
28 or revoked under this chapter or continues to remain suspended  
29 or revoked under this chapter, and who, during such suspension,  
30 denial, or revocation, or during such continuing suspension  
31 or continuing revocation, drives any motor vehicle upon any  
32 highway or knowingly permits any motor vehicle owned by such  
33 person to be operated by another upon any highway, except as  
34 permitted under this chapter, shall be guilty of a ~~simple~~  
35 serious misdemeanor. ~~In addition to any other penalties, the~~

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dea/nh

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~~1 punishment imposed for a violation of this subsection shall~~  
~~2 include assessment of punishable by a fine of not less than two~~  
~~3 hundred fifty three hundred fifteen dollars nor more than one~~  
~~4 thousand five eight hundred seventy-five dollars. The court~~  
~~5 may, in its discretion, order the person to perform community~~  
~~6 service work equivalent in value to the fine imposed, as~~  
~~7 provided in section 909.3A.~~

8 Sec. 5. Section 321J.21, Code 2013, is amended to read as  
9 follows:

10 **321J.21 Driving while license suspended, denied, revoked, or**  
11 **barred.**

12 1. A person whose driver's license or nonresident operating  
13 privilege has been suspended, denied, revoked, or barred due  
14 to a violation of this chapter and who drives a motor vehicle  
15 while the license or privilege is suspended, denied, revoked,  
16 or barred commits a serious misdemeanor. ~~In addition to any~~  
17 ~~other penalties, the punishment imposed for a violation of this~~  
18 ~~subsection shall include assessment of punishable by a fine~~  
19 ~~of not less than three hundred fifteen dollars nor more than~~  
20 ~~one thousand eight hundred seventy-five dollars. However,~~  
21 ~~the court may, in its discretion, order the person to perform~~  
22 ~~community service work equivalent in value to the fine imposed,~~  
23 ~~as provided in section 909.3A.~~

24 2. In addition to the fine, the department, upon receiving  
25 the record of the conviction of a person under this section  
26 upon a charge of driving a motor vehicle while the license of  
27 the person was suspended, denied, revoked, or barred, shall  
28 extend the period of suspension, denial, revocation, or bar for  
29 an additional like period or for one year, whichever period  
30 is shorter, and the department shall not issue a new license  
31 during the additional period.

32 EXPLANATION

33 This bill relates to the offense of driving without a valid  
34 driver's license.

35 Under current law, if a person is convicted of operating

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dea/nh

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1 a motor vehicle while the person's driver's license has been  
2 denied, canceled, suspended, or revoked under Code chapter 321  
3 (motor vehicles and laws of the road), or pursuant to Code  
4 section 252J.8 for failure to pay child support, pursuant to a  
5 court order under Code section 901.5 for certain drug-related  
6 offenses, or under Code chapter 321A (motor vehicle financial  
7 responsibility), the penalty is a simple misdemeanor punishable  
8 by a fine of not less than \$250 and not more than \$1,500 in  
9 addition to any other penalties provided by law, which may  
10 include confinement for up to 30 days. If the person is  
11 a habitual offender who has been barred from driving, the  
12 penalty is an aggravated misdemeanor, which is punishable by  
13 confinement for not more than two years and a fine of at least  
14 \$625 and not more than \$6,250. A person convicted of driving  
15 while the person's license or operating privilege is suspended,  
16 denied, revoked, or barred under Code chapter 321J (operating  
17 while intoxicated), commits a serious misdemeanor punishable by  
18 a fine of \$1,000 in addition to any other penalties provided by  
19 law, which could include confinement for up to one year.

20 The bill provides that the penalty for driving without a  
21 valid driver's license is the same, whether the offense is a  
22 violation under Code chapter 321, 321A, or 321J. The bill  
23 establishes that every such violation is a serious misdemeanor,  
24 punishable by a fine of not less than \$315 and not more than  
25 \$1,875. The bill specifies that the court may substitute  
26 community service equivalent in value to the fine imposed.  
27 In addition, a court shall not enter a judgment or deferred  
28 judgment for more than one offense of operating a motor vehicle  
29 while the person's driver's license is denied, canceled,  
30 suspended, revoked, or barred for one event or occurrence of  
31 driving.

32 Under current law, if a person is convicted under Code  
33 section 321.218 of driving while the person's driver's license  
34 is suspended or revoked, the department of transportation is  
35 required to extend the period of suspension or revocation for

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1 an additional like period or for one year, whichever period  
2 is shorter, and the person is not eligible for a temporary  
3 restricted license during the extended period. The bill  
4 authorizes the department to issue a temporary restricted  
5 license to such a person allowing the person to drive to and  
6 from the person's home and specified places during specified  
7 times for purposes of employment, health care for the person or  
8 the person's dependent, the person's education, court-ordered  
9 community service, and appointments with the person's parole or  
10 probation officer.

11 Code section 321J.21 currently requires that when a  
12 person is convicted of driving while the person's license was  
13 suspended, denied, revoked, or barred under Code chapter 321J,  
14 the department shall extend the period of suspension, denial,  
15 revocation, or bar for an additional like period. The bill  
16 provides that the extension shall be for an additional like  
17 period or for one year, whichever period is shorter, consistent  
18 with the similar provision in Code section 321.218.



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**House File 295 - Introduced**

HOUSE FILE 295  
BY ABDUL-SAMAD and GAINES

**A BILL FOR**

1 An Act relating to Dr. Martin Luther King, Jr. Day.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2191HH (3) 85  
kh/sc



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1 Section 1. Section 279.10, subsection 1, Code 2013, is  
2 amended to read as follows:  
3 1. a. The school year shall begin on the first day of July  
4 and each regularly established elementary and secondary school  
5 shall begin no sooner than a day during the calendar week  
6 in which the first day of September falls but no later than  
7 the first Monday in December. However, if the first day of  
8 September falls on a Sunday, school may begin on a day during  
9 the calendar week which immediately precedes the first day of  
10 September. School shall continue for at least one hundred  
11 eighty days, except as provided in subsection 3, and may be  
12 maintained during the entire calendar year. However, if the  
13 board of directors of a district extends the school calendar  
14 because inclement weather caused the district to temporarily  
15 close school during the regular school calendar, the district  
16 may excuse a graduating senior who has met district or school  
17 requirements for graduation from attendance during the extended  
18 school calendar. A school corporation may begin employment  
19 of personnel for in-service training and development purposes  
20 before the date to begin elementary and secondary school.  
21 b. Each school district shall observe Dr. Martin Luther  
22 King, Jr. Day, the third Monday in January, as a holiday, and  
23 that holiday shall not count toward the minimum number of  
24 instructional days in the school calendar.

25 EXPLANATION

26 This bill requires each school district to observe Dr.  
27 Martin Luther King, Jr. Day, the third Monday in January, as a  
28 holiday, and that holiday shall not count toward the minimum  
29 number of instructional days in the school calendar.





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House File 296 - Introduced

HOUSE FILE 296

BY M. SMITH, MURPHY, OLDSO,  
ANDERSON, HUNTER,  
LENSING, H. MILLER, THEDE,  
ABDUL-SAMAD, and GAINES

A BILL FOR

1 An Act providing for population impact statements on bills,  
2 resolutions, and amendments.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2172YH (3) 85  
ec/sc



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H.F. 296

1     Section 1. NEW SECTION.   **2.57 Population impact statements.**  
2     1. Prior to debate on the floor of a chamber of the general  
3 assembly, a population impact statement shall be attached to  
4 any bill, joint resolution, or amendment which proposes a  
5 change in the law that creates or may create a disproportionate  
6 or unique impact on a segment of the population of this state.  
7 The statement shall be factual and shall, if possible, provide  
8 a reasonable estimate of both the immediate effect and the  
9 long-range impact on the segment of the population identified  
10 in the statement.  
11    2. *a.* When a committee of the general assembly reports  
12 a bill, joint resolution, or amendment to the floor, the  
13 committee shall state in the report whether a population impact  
14 statement is or is not required.  
15    *b.* The legislative services agency shall review all bills  
16 and joint resolutions placed on the calendar of either chamber  
17 of the general assembly, as well as amendments filed to bills  
18 or joint resolutions on the calendar, to determine whether a  
19 population impact statement is required.  
20    *c.* A member of the general assembly may request the  
21 preparation of a population impact statement by submitting a  
22 request to the legislative services agency.  
23    3. The legislative services agency shall cause to be  
24 prepared a population impact statement within a reasonable  
25 time after receiving a request or determining that a proposal  
26 is subject to this section. All population impact statements  
27 approved by the legislative services agency shall be  
28 transmitted immediately to either the chief clerk of the house  
29 or the secretary of the senate, after notifying the sponsor  
30 of the legislation that the statement has been prepared for  
31 publication. The chief clerk of the house or the secretary  
32 of the senate shall attach the statement to the bill, joint  
33 resolution, or amendment affected as soon as it is available.  
34    4. The legislative services agency may request the  
35 cooperation of any state department or agency or political

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1 subdivision in preparing a population impact statement.

2 5. A revised population impact statement shall be prepared  
3 if the population impact has been changed by the adoption of  
4 an amendment, and may be requested by a member of the general  
5 assembly or be prepared upon a determination made by the  
6 legislative services agency. However, a request for a revised  
7 population impact statement shall not delay action on the  
8 bill, joint resolution, or amendment unless so ordered by the  
9 presiding officer of the chamber.

10 Sec. 2. Section 2A.4, subsection 6, Code 2013, is amended  
11 to read as follows:

12 6. Performance of the duties pertaining to the preparation  
13 of correctional impact statements as provided in section 2.56  
14 and population impact statements as provided in section 2.57.

15 EXPLANATION

16 This bill requires the legislative services agency to attach  
17 a population impact statement to a bill, joint resolution, or  
18 amendment which proposes a change in the law which creates  
19 a disproportionate or unique impact on a segment of the  
20 population of this state. The bill establishes the procedure  
21 for requesting, preparing, and modifying, if necessary, a  
22 population impact statement.



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House File 297 - Introduced

HOUSE FILE 297

BY MASCHER

(COMPANION TO SF 113 BY HOGG)

A BILL FOR

1 An Act relating to the exemption of gaming floors from the  
2 prohibitions of the smokefree air Act.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1106YH (2) 85  
pf/rj



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H.F. 297

1 Section 1. Section 142D.4, subsection 10, Code 2013, is  
2 amended by striking the subsection.

3 EXPLANATION

4 This bill eliminates the exception under the smokefree air  
5 Act (Code chapter 142D), allowing smoking on the gaming floors  
6 of the premises licensed pursuant to Code chapter 99F (gambling  
7 structures, excursion gambling boats, and racetracks). The  
8 bill thereby subjects the entirety of these premises to the  
9 smoking prohibitions of the Act.



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**House File 298 - Introduced**

HOUSE FILE 298  
BY ALONS and J. SMITH

**A BILL FOR**

1 An Act exempting persons operating as an exhibitor of animals  
2 from license or permit fees imposed upon certain commercial  
3 establishments.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2459HH (5) 85  
da/nh



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1 Section 1. Section 162.2B, subsection 1, paragraph b, Code  
2 2013, is amended to read as follows:  
3 b. For the issuance or renewal of a state license or permit,  
4 one hundred seventy-five dollars. However, a all of the  
5 following shall apply:  
6 (1) A commercial breeder who owns, keeps, breeds, or  
7 transports a greyhound dog for pari-mutuel wagering at a  
8 racetrack as provided in chapter 99D shall pay a different fee  
9 for the issuance or renewal of a state license as provided in  
10 rules adopted by the department.  
11 (2) A fee is not required for a person operating on  
12 a nonprofit basis as an exhibitor pursuant to any of the  
13 following:  
14 (a) A class C license issued by the United States department  
15 of agriculture pursuant to 9 C.F.R. ch. 1, subch. A, pt. 1,  
16 \$1.1 and pt. 2, subpt. A.  
17 (b) Registration with the United States department of  
18 agriculture pursuant to 9 C.F.R. ch. 1, subch. B.

19 EXPLANATION

20 BACKGROUND. This bill amends Code chapter 162, which  
21 provides for the regulation of persons who possess or control  
22 animals, and especially dogs and cats. The Code chapter is  
23 administered and enforced by the department of agriculture  
24 and land stewardship. A person operating a commercial  
25 establishment (a commercial breeder, dealer, or public auction)  
26 must obtain an authorization issued by the department. The  
27 authorization may be either a state license, or a permit if  
28 the person is operating under a federal license (Code section  
29 162.2A). The department issues a certificate of registration  
30 to a person operating a pound, animal shelter, or research  
31 facility.

32 A commercial breeder is a person engaged in the business  
33 of breeding dogs or cats, and who sells, exchanges, or leases  
34 dogs or cats in return for consideration. A dealer is a  
35 person who is engaged in the business of buying for resale or

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1 selling or exchanging dogs or cats. A public auction is a  
2 place where dogs or cats are sold at auction to the highest  
3 bidder. Generally, the person must pay the department an  
4 annual fee of \$175 for being issued or renewed a license or  
5 permit, and the moneys collected from these fees are deposited  
6 into a commercial establishment fund for use by the department  
7 in administering and enforcing the regulations (Code section  
8 162.2C). However, a commercial breeder who keeps greyhounds  
9 for racing is subject to a separate fee.

10 BILL — EXEMPTION FROM FEE FOR EXHIBITORS LICENSED OR  
11 REGISTERED UNDER FEDERAL LAW. This bill provides that a fee  
12 shall not be imposed upon a person who operates on a nonprofit  
13 basis as an exhibitor, if the person is licensed or registered  
14 with the United States department of agriculture under the  
15 federal Animal Welfare Act. An exhibitor is a private or  
16 public person who displays an animal to the public and includes  
17 zoos operated for profit or not for profit (7 U.S.C. ch. 54).  
18 Generally, federal law requires a license, but it also provides  
19 for registration in lieu of licensure. The bill excuses a  
20 person who is either licensed or registered under federal law  
21 as an exhibitor.





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**House File 299 - Introduced**

HOUSE FILE 299  
BY PETTENGILL

**A BILL FOR**

1 An Act concerning boiler inspections.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2222YH (2) 85  
je/sc



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1 Section 1. Section 89.3, subsection 8, Code 2013, is amended  
2 to read as follows:

3 8. ~~Internal inspections~~ Inspections of unfired steam  
4 pressure vessels operating in excess of fifteen pounds per  
5 square inch and low pressure steam boilers shall be conducted  
6 ~~once every two years. External inspections shall be conducted~~  
7 annually at least once each calendar year. The inspections  
8 conducted over each two-year period shall include an external  
9 inspection conducted while the boiler is operating and an  
10 internal inspection, where construction permits. No more than  
11 one inspection shall be conducted over a six-month period.

12 An internal inspection of an unfired steam pressure vessel  
13 or low pressure steam boiler may be required at any time by  
14 the commissioner upon the observation by an inspector of  
15 conditions, enumerated by the commissioner through rules,  
16 warranting an internal inspection.

17 Sec. 2. Section 89.4, subsection 1, Code 2013, is amended by  
18 adding the following new paragraphs:

19 NEW PARAGRAPH. j. An electric boiler with a water capacity  
20 of six gallons or less that is used as an integral part of an  
21 espresso coffee machine, cappuccino coffee machine, or cleaning  
22 machine.

23 NEW PARAGRAPH. k. Continuous coil-type boilers used only  
24 for steam vapor cleaning, to which all of the following apply:

25 (1) The size of the tubing or pipe, with no drums or  
26 headers attached, does not exceed three-fourths of one inch in  
27 diameter.

28 (2) Nominal water capacity of the boiler does not exceed six  
29 gallons.

30 (3) Water temperature in the boiler does not exceed three  
31 hundred fifty degrees Fahrenheit.

32 (4) Steam is not generated within the coil.

33 EXPLANATION

34 This bill provides for required inspections of unfired steam  
35 pressure vessels operating in excess of 15 pounds per square

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1 inch to occur at least once a year. The bill provides that  
2 such inspections shall include one internal inspection and one  
3 external inspection in each two-year period. The bill provides  
4 that such inspections shall occur no more than once every six  
5 months. The bill also applies this requirement to low pressure  
6 steam boilers.

7 The bill provides for two additional exemptions from  
8 Code chapter 89 governing boilers and unfired steam pressure  
9 vessels. The bill exempts an electric boiler with a water  
10 capacity of six gallons or less that is used as an integral  
11 part of an espresso coffee machine, cappuccino coffee machine,  
12 or cleaning machine. The bill also exempts continuous  
13 coil-type boilers used only for steam vapor cleaning that meet  
14 certain criteria.



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House File 300 - Introduced

HOUSE FILE 300

BY T. OLSON, S. OLSON, and  
COWNIE

A BILL FOR

1 An Act affecting the annual aggregate tax credit authorization  
2 limit for the endow Iowa tax credit and the use of wagering  
3 tax revenues for the credit, and including effective date  
4 and retroactive applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2238YH (6) 85  
mm/rj



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1 Section 1. Section 15E.305, subsection 2, Code 2013, is  
2 amended to read as follows:  
3 2. The aggregate amount of tax credits authorized pursuant  
4 to this section shall not exceed a total of ~~three~~ six million  
5 five hundred thousand dollars ~~plus such additional credit~~  
6 ~~amount as provided by this section~~ annually.  
7 a. The maximum amount of tax credits granted to a taxpayer  
8 shall not exceed five percent of the aggregate amount of tax  
9 credits authorized.  
10 ~~a.~~ b. Ten percent of the aggregate amount of tax credits  
11 authorized in a calendar year shall be reserved for those  
12 endowment gifts in amounts of thirty thousand dollars or less.  
13 If by September 1 of a calendar year the entire ten percent of  
14 the reserved tax credits is not distributed, the remaining tax  
15 credits shall be available to any other eligible applicants.  
16 ~~b.~~ ~~For purposes of this subsection, the additional credit~~  
17 ~~amount shall be an amount for each applicable calendar year~~  
18 ~~determined by the department of revenue equal to the amount of~~  
19 ~~money credited as provided by section 99F.11, subsection 3,~~  
20 ~~paragraph "d", subparagraph (3), for the prior fiscal year.~~  
21 Sec. 2. Section 99F.11, subsection 3, paragraph d,  
22 subparagraph (3), Code 2013, is amended by striking the  
23 subparagraph.  
24 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
25 immediate importance, takes effect upon enactment.  
26 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies  
27 retroactively to January 1, 2012, for endow Iowa tax credits  
28 authorized on or after that date and for endow Iowa tax credit  
29 applications received on or after that date.

30 EXPLANATION

31 This bill relates to the annual aggregate tax credit  
32 authorization limit for the endow Iowa tax credit and the use  
33 of wagering tax revenues.  
34 Under current law, the amount of endow Iowa tax credits that  
35 may be authorized in a calendar year cannot exceed a total of

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1 \$3.5 million plus a certain percentage of the wagering tax  
2 receipts as provided in Code section 99F.11. The bill amends  
3 this annual limit to provide that a maximum of \$6.5 million per  
4 calendar year may be authorized and to provide that amounts  
5 collected from the wagering tax pursuant to Code section 99F.11  
6 will no longer be used to fund the endow Iowa tax credit.  
7 The bill takes effect upon enactment and applies  
8 retroactively to January 1, 2012, for endow Iowa tax credits  
9 authorized on or after that date and for endow Iowa tax credit  
10 applications received on or after that date.



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House File 301 - Introduced

HOUSE FILE 301  
BY RUNNING-MARQUARDT

A BILL FOR

1 An Act relating to the historic preservation and cultural and  
2 entertainment district tax credit by modifying the total  
3 amount of tax credits that may be issued and the allocation  
4 of the tax credits for a certain time period, and amending  
5 the qualifications for certain projects.  
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1523YH (2) 85  
mm/sc



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1 Section 1. Section 404A.4, subsection 2, paragraph d, Code  
2 2013, is amended to read as follows:

3 ~~d. For the fiscal year beginning July 1, 2012, and for each~~  
4 ~~fiscal year thereafter,~~ the office shall reserve not more than  
5 forty-five million dollars worth of tax credits for any one  
6 taxable year.

7 Sec. 2. Section 404A.4, subsection 2, Code 2013, is amended  
8 by adding the following new paragraphs:

9 NEW PARAGRAPH. e. For fiscal years beginning on or after  
10 July 1, 2013, but before July 1, 2015, the office shall reserve  
11 not more than fifty-five million dollars worth of tax credits  
12 for any one taxable year.

13 NEW PARAGRAPH. f. For the fiscal year beginning July 1,  
14 2015, and for each fiscal year thereafter, the office shall  
15 reserve not more than forty-five million dollars worth of tax  
16 credits for any one taxable year.

17 Sec. 3. Section 404A.4, subsection 4, paragraph a, Code  
18 2013, is amended to read as follows:

19 a. The total amount of tax credits that may be approved for  
20 a fiscal year prior to the fiscal year beginning July 1, 2012,  
21 under this chapter shall not exceed fifty million dollars.  
22 The total amount of tax credits that may be approved for a  
23 the fiscal year beginning on or after July 1, 2012, shall not  
24 exceed forty-five million dollars. The total amount of tax  
25 credits that may be approved for fiscal years beginning on or  
26 after July 1, 2013, but before July 1, 2015, shall not exceed  
27 fifty-five million dollars. The total amount of tax credits  
28 that may be approved for a fiscal year beginning on or after  
29 July 1, 2015, shall not exceed forty-five million dollars.

30 Sec. 4. Section 404A.4, subsection 4, paragraph b,  
31 subparagraphs (1) through (5), Code 2013, are amended to read  
32 as follows:

33 (1) Ten percent of the dollar amount of tax credits shall  
34 be allocated for purposes of new projects with final qualified  
35 rehabilitation costs of ~~five hundred thousand~~ one million

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1 dollars or less. However, for each fiscal year beginning on  
2 or after July 1, 2013, but before July 1, 2015, four million  
3 seven hundred thousand dollars shall be allocated for purposes  
4 of this subparagraph.

5 (2) Thirty percent of the dollar amount of tax credits  
6 shall be allocated for purposes of new projects located in  
7 cultural and entertainment districts certified pursuant to  
8 section 303.3B or identified in Iowa great places agreements  
9 developed pursuant to section 303.3C. However, for each fiscal  
10 year beginning on or after July 1, 2013, but before July 1,  
11 2015, fourteen million one hundred thousand dollars shall be  
12 allocated for purposes of this subparagraph.

13 (3) Twenty percent of the dollar amount of tax credits shall  
14 be allocated for disaster recovery projects. However, for each  
15 fiscal year beginning on or after July 1, 2013, but before  
16 July 1, 2015, seventeen million four hundred thousand dollars  
17 shall be allocated for purposes of this subparagraph. For  
18 purposes of this subparagraph, "*disaster recovery project*" means  
19 a property meeting the requirements of an eligible property as  
20 described in section 404A.1, subsection 2, which is located  
21 in an area declared a disaster area by the governor or by a  
22 federal official and which has been physically impacted as a  
23 result of a natural disaster.

24 (4) Twenty percent of the dollar amount of the tax credits  
25 shall be allocated for projects that involve the creation of  
26 more than five hundred new permanent jobs. However, for each  
27 fiscal year beginning on or after July 1, 2013, but before  
28 July 1, 2015, nine million four hundred thousand dollars shall  
29 be allocated for purposes of this subparagraph. A taxpayer  
30 receiving a tax credit certificate for a project under this  
31 allocation shall provide information documenting the creation  
32 of the jobs to the state historic preservation office and to  
33 the economic development authority. The jobs shall be created  
34 within two years of the date a tax credit certificate is  
35 issued. The economic development authority shall verify the

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1 creation of the jobs. The amount of any tax credits received  
2 is subject to recapture by the department of revenue if the  
3 jobs are not created within two years. The state historic  
4 preservation office and the economic development authority may  
5 adopt rules for the implementation of this subparagraph. The  
6 rules shall provide for a method or form that allows a city or  
7 county to track the number of jobs created in the construction  
8 industry by the project.

9 (5) Twenty percent of the dollar amount of the tax credits  
10 shall be allocated for any eligible project. However, for each  
11 fiscal year beginning on or after July 1, 2013, but before July  
12 1, 2015, nine million four hundred thousand dollars shall be  
13 allocated for purposes of this subparagraph.

14 EXPLANATION

15 This bill increases the amount of the historic preservation  
16 and cultural and entertainment district tax credit and amends  
17 the allocation of the tax credits for a certain time period,  
18 and amends the requirements for certain projects under the tax  
19 credit.

20 Under current law, not more than \$45 million in tax credits  
21 may be approved for a fiscal year and reserved for any one  
22 taxable year. The bill increases this amount to \$55 million  
23 for fiscal year 2013-2014 and fiscal year 2014-2015. For  
24 fiscal year 2015-2016, and for each fiscal year thereafter, the  
25 total amount is \$45 million.

26 Also under current law, the total amount of tax credits are  
27 required to be allocated among various projects as follows:  
28 10 percent (\$4.5 million) to projects with \$500,000 or less  
29 of qualified rehabilitation costs; 30 percent (\$13.5 million)  
30 to projects located in certified cultural and entertainment  
31 districts; 20 percent (\$9 million) to disaster recovery  
32 projects; 20 percent (\$9 million) to projects involving the  
33 creation of more than 500 new permanent jobs; and 20 percent  
34 (\$9 million) for any eligible project. The bill amends  
35 the allocation of \$55 million for fiscal year 2013-2014

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1 and fiscal year 2014-2015 to be as follows: \$4.7 million  
2 (approximately 8.54 percent of the \$55 million) to projects  
3 with \$500,000 or less of qualified rehabilitation costs; \$14.1  
4 million (approximately 25.64 percent) to projects located in  
5 certified cultural and entertainment districts; \$17.4 million  
6 (approximately 31.64 percent) to disaster recovery projects;  
7 \$9.4 million (approximately 17.09 percent) to projects  
8 involving the creation of more than 500 new permanent jobs; and  
9 \$9.4 million (approximately 17.09 percent) for any eligible  
10 project. For fiscal year 2015-2016, and for each fiscal year  
11 thereafter, the allocation amounts return to the current  
12 percentage levels.

13 The bill permanently increases to \$1 million from \$500,000  
14 the amount of qualified rehabilitation costs that a project  
15 must have in order to qualify as an eligible project under the  
16 10 percent small project allocation category.



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**House File 302 - Introduced**

HOUSE FILE 302  
BY COHOON and KRESSIG

**A BILL FOR**

1 An Act relating to the parental rights of an individual whose  
2 parentage is the result of sexual abuse.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 598.41E Custody and visitation —  
2 restrictions — sexual abuse.

3 1. Notwithstanding section 598.41, and except as otherwise  
4 provided in subsection 2, custody and visitation shall not  
5 be awarded to a party who is the biological parent of a  
6 child if that party has been convicted of having sexually  
7 abused the other biological parent or has been found by clear  
8 and convincing evidence to have sexually abused the other  
9 biological parent, resulting in the conception of the child.

10 2. Notwithstanding subsection 1, if a party who is the  
11 biological parent of a child has been convicted of sexual abuse  
12 of the other biological parent or has been found by clear  
13 and convincing evidence to have sexually abused the other  
14 biological parent, resulting in the conception of the child,  
15 and the parties are married at the time of the conception,  
16 during any subsequent dissolution proceedings, the conviction  
17 or finding by clear and convincing evidence of sexual abuse  
18 creates a rebuttable presumption that sole or joint custody of  
19 the child or visitation by the perpetrator of the sexual abuse  
20 is not in the best interest of the child. The court shall  
21 provide findings that any custody or visitation arrangement  
22 ordered by the court under this subsection adequately protects  
23 the child and the victim of the sexual abuse.

24 Sec. 2. Section 600.7, Code 2013, is amended by adding the  
25 following new subsection:

26 NEW SUBSECTION. 5. The biological parent of a child who has  
27 been convicted of having sexually abused the other biological  
28 parent or has been found by clear and convincing evidence to  
29 have sexually abused the other biological parent, resulting in  
30 the conception of the child who is the subject of the adoption  
31 proceedings, shall not be required to consent to the adoption.

32 Sec. 3. Section 600.11, subsection 2, paragraph a,  
33 subparagraph (1), Code 2013, is amended to read as follows:

34 (1) A guardian, guardian ad litem if appointed for the  
35 adoption proceedings, and custodian of, and a person in a

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1 parent-child relationship with the person to be adopted. This  
2 subparagraph does not require notice to be given to a person  
3 whose parental rights have been terminated with regard to the  
4 person to be adopted, including a biological parent whose  
5 parental rights have been terminated based on the grounds  
6 specified in section 600A.8, subsection 11, relating to sexual  
7 abuse of the other biological parent.

8 Sec. 4. Section 600A.5, subsection 3, paragraph c, Code  
9 2013, is amended to read as follows:

10 c. A plain statement of the facts and grounds in section  
11 600A.8 which indicate that the parent-child relationship should  
12 be terminated. If the grounds stated are those specified  
13 in section 600A.8, subsection 11, relating to sexual abuse  
14 perpetrated by the biological parent of the child, the  
15 petitioner may also petition the court for a temporary order  
16 and an injunction prohibiting the individual for whom the  
17 petitioner is seeking termination of parental rights from  
18 visiting or contacting the child alleging facts sufficient to  
19 demonstrate that such prohibition is in the best interest of  
20 the child.

21 Sec. 5. Section 600A.6, subsection 1, Code 2013, is amended  
22 to read as follows:

23 1. a. A termination of parental rights under this chapter  
24 shall, unless provided otherwise in this section, be ordered  
25 only after notice has been served on all necessary parties and  
26 these parties have been given an opportunity to be heard before  
27 the juvenile court except that notice need not be served on the  
28 petitioner or on any necessary party who is the spouse of the  
29 petitioner.

30 b. (1) "Necessary party" means any person whose name,  
31 residence, and domicile are required to be included on the  
32 petition under section 600A.5, subsection 3, paragraphs "a"  
33 and "b", and any putative father who files a declaration of  
34 paternity in accordance with section 144.12A, or any unknown  
35 putative father, if any, ~~except a biological parent who has~~

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~~1 been convicted of having sexually abused the other biological  
2 parent while not cohabiting with that parent as husband and  
3 wife, thereby producing the birth of the child who is the  
4 subject of the termination proceedings.~~

5     (2) "Necessary party" does not include an individual who may  
6 be the biological parent of a child conceived as a result of  
7 sexual abuse perpetrated by the individual while the individual  
8 was not cohabiting with the other parent as husband and wife,  
9 if the individual has been convicted of sexual abuse or if  
10 other clear and convincing evidence that the sexual abuse  
11 occurred is attached to the petition filed under section  
12 600A.5. An individual who is not a necessary party and is not  
13 served notice under this subparagraph does not have standing to  
14 appear and contest a petition for the termination of parental  
15 rights, present evidence relevant to the issue of disposition,  
16 or make alternative dispositional recommendations.

17     Sec. 6. Section 600A.7, Code 2013, is amended by adding the  
18 following new subsection:

19     NEW SUBSECTION. 4. The grounds specified in section  
20 600A.8, subsection 11, relating to conception of the child  
21 as the result of sexual abuse may be proven by evidence of  
22 a conviction of sexual abuse or other clear and convincing  
23 evidence that the individual who is the biological parent of  
24 the child committed, during the possible time of conception,  
25 sexual abuse against the other biological parent of the child.

26     Sec. 7. Section 600A.8, Code 2013, is amended by adding the  
27 following new subsection:

28     NEW SUBSECTION. 11. A biological parent of the child who is  
29 the subject of the termination of parental rights perpetrated  
30 sexual abuse against the other biological parent of the child  
31 and the child was conceived as a result of the sexual abuse.

32                                   EXPLANATION

33     This bill relates to the parental rights of a biological  
34 parent whose parentage is the result of the biological parent's  
35 perpetration of sexual abuse on the other biological parent,

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1 resulting in the conception of the child.

2 The bill amends provisions in Code chapters 598 (dissolution  
3 of marriage and domestic relations), 600 (adoption), and 600A  
4 (termination of parental rights).

5 Under Code chapter 598, the bill provides that custody  
6 and visitation shall not be awarded to a party who is the  
7 biological parent of a child if that party has been convicted  
8 of having sexually abused the other biological parent or has  
9 been found by clear and convincing evidence to have sexually  
10 abused the other biological parent, resulting in the conception  
11 of the child. Alternatively, if the parties are married at the  
12 time of the conception which is the result of sexual abuse for  
13 which a biological parent has been convicted or the biological  
14 parent has been found by clear and convincing evidence to have  
15 sexually abused the other biological parent, during dissolution  
16 proceedings, the conviction or finding by clear and convincing  
17 evidence of sexual abuse creates a rebuttable presumption  
18 that sole or joint custody of the child or visitation by the  
19 perpetrator of the sexual abuse is not in the best interest  
20 of the child. Additionally, the court is to provide findings  
21 that any custody or visitation arrangement ordered by the court  
22 adequately protects the child and the victim of the sexual  
23 abuse.

24 Under Code chapter 600, the bill provides that a biological  
25 parent of a child who has been convicted of having sexually  
26 abused the other biological parent or has been found by clear  
27 and convincing evidence to have sexually abused the other  
28 biological parent, resulting in the conception of the child  
29 who is the subject of the adoption proceedings, shall not be  
30 required to consent to the adoption. If such person's parental  
31 rights have been terminated, the person is also not required to  
32 be provided notice of the adoption hearing.

33 Under Code chapter 600A, the bill provides that in the  
34 termination of parental rights, one of the grounds for  
35 termination is that a biological parent of the child who is

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1 the subject of the termination of parental rights perpetrated  
2 sexual abuse against the other biological parent of the  
3 child and the child was conceived as a result of the sexual  
4 abuse. Under the bill, in the petition for termination of  
5 an individual's parental rights based on sexual abuse that  
6 resulted in the conception of a child, the petitioner may  
7 request a temporary order and injunction prohibiting that  
8 individual from visiting or contacting the child. The bill  
9 also provides that a "necessary party" who is required to be  
10 served notice of a termination of parental rights proceeding  
11 does not include an individual who may be the biological parent  
12 of a child conceived as a result of sexual abuse perpetrated by  
13 the individual while the individual was not cohabiting with the  
14 other parent as husband and wife, if the individual has been  
15 convicted of sexual abuse, or the sexual abuse is demonstrated  
16 by other clear and convincing evidence. Such individual also  
17 does not have standing to appear and contest a petition for the  
18 termination of parental rights, present evidence relevant to  
19 the issue of disposition, or make alternative dispositional  
20 recommendations. The bill provides that in the hearing  
21 on termination of parental rights, the grounds relating to  
22 conception of the child as the result of sexual abuse may be  
23 proven by evidence of a conviction of sexual abuse or other  
24 clear and convincing evidence that the individual who is the  
25 biological parent of the child committed, during the possible  
26 time of conception, sexual abuse against the other biological  
27 parent of the child.



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**House File 303 - Introduced**

HOUSE FILE 303  
BY HALL

**A BILL FOR**

1 An Act relating to child endangerment for willfully leaving a  
2 child unattended, and providing for a criminal penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 726.6, subsection 1, Code 2013, is  
2 amended by adding the following new paragraph:  
3 NEW PARAGRAPH. *i.* Willfully leaves a child under ten years  
4 of age unattended in or at any place for such a period of  
5 time as creates a substantial risk to the child's physical,  
6 mental, or emotional health or safety. This paragraph does not  
7 limit the applicability of child endangerment as described in  
8 paragraph "d".

9 EXPLANATION

10 This bill relates to the supervision of a child.

11 Currently, a parent, guardian, person having custody  
12 or control over a child, or person who is a member of  
13 the household in which the child resides, commits child  
14 endangerment when such person willfully deprives a child of  
15 supervision appropriate to the child's age, the person is  
16 reasonably able to make the necessary provisions, and the  
17 failure to provide the supervision substantially harms the  
18 child's physical, mental, or emotional health.

19 The bill provides that such a person also commits child  
20 endangerment when the person willfully leaves a child under the  
21 age of 10 unattended for such a period of time as creates a  
22 substantial risk to the child's physical, mental, or emotional  
23 health or safety.

24 A person who commits child endangerment is guilty of an  
25 aggravated misdemeanor which carries a maximum sentence of  
26 two years and has a minimum fine of \$625 and a maximum fine  
27 of \$6,250. A person who commits child endangerment resulting  
28 in the death of the child or minor is guilty of a class "B"  
29 felony which carries a maximum sentence of 50 years. A person  
30 who commits child endangerment that results in serious injury  
31 to the child or minor is guilty of a class "C" felony which  
32 carries a maximum sentence of 10 years and has a minimum fine  
33 of \$1,000 and a maximum fine of \$10,000. A person who commits  
34 child endangerment resulting in bodily injury to a child or  
35 minor is guilty of a class "D" felony which carries a maximum

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1 sentence of five years and has a minimum fine of \$750 and a  
2 maximum fine of \$7,500.



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House File 304 - Introduced

HOUSE FILE 304  
BY HANSON

A BILL FOR

1 An Act relating to the taxation of forest reservations  
2 and fruit-tree reservations and including retroactive  
3 applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 427C.12, unnumbered paragraph 2, Code  
2 2013, is amended to read as follows:  
3 The board of supervisors shall designate the county  
4 conservation board or the assessor who shall inspect the area  
5 for which an application is filed for a fruit-tree or forest  
6 reservation tax exemption before the application is accepted.  
7 Use of aerial photographs may be substituted for on-site  
8 inspection when appropriate. The application can only be  
9 accepted if it meets the criteria established by the natural  
10 resource commission to be a fruit-tree or forest reservation.  
11 Once the application has been accepted, the area shall continue  
12 to receive the tax exemption during each year in which the  
13 area is maintained as a fruit-tree or forest reservation  
14 without the owner having to refile. If the property is  
15 sold or transferred, the seller shall notify the buyer that  
16 all, or part of, the property is in fruit-tree or forest  
17 reservation and subject to the recapture tax provisions of  
18 this section. The tax exemption shall continue to be granted  
19 for the remainder of the eight-year period for fruit-tree  
20 reservation and for the following years for forest reservation  
21 or until the property no longer qualifies as a fruit-tree or  
22 forest reservation. The area may be inspected each year by  
23 the county conservation board or the assessor to determine if  
24 the area is maintained as a fruit-tree or forest reservation.  
25 If the area is not maintained or is used for economic gain  
26 other than as a fruit-tree reservation during any year of the  
27 eight-year exemption period and any year of the following five  
28 years or as a forest reservation during any year for which the  
29 exemption is granted and any of the five years following those  
30 exemption years, the assessor shall assess the property for  
31 taxation at its fair market value as of January 1 of that year  
32 and in addition the area shall be subject to a recapture tax.  
33 However, the area shall not be subject to the recapture tax if  
34 the owner, including one possessing under a contract of sale,  
35 and the owner's direct antecedents or descendants have owned



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1 the area for more than ten years. ~~The~~ For taxes applicable  
2 to assessment years beginning before January 1, 2013, the  
3 tax shall be computed by multiplying the consolidated levy  
4 for each of those years, if any, of the five preceding years  
5 for which the area received the exemption for fruit-tree or  
6 forest reservation times the assessed value of the area that  
7 would have been taxed but for the tax exemption. For taxes  
8 applicable to assessment years beginning on or after January 1,  
9 2013, the tax shall be computed by multiplying the consolidated  
10 levy for each of those years, if any, of the five preceding  
11 years for which the area received the exemption for fruit-tree  
12 or forest reservation, less the amount of those levies or  
13 portions of levies specified in section 427C.12A, subsection  
14 1, paragraphs "a" through "f", for each of those years, times  
15 the assessed value of the area that would have been taxed but  
16 for the tax exemption. This tax shall be entered against  
17 the property on the tax list for the current year and shall  
18 constitute a lien against the property in the same manner as  
19 a lien for property taxes. The tax when collected shall be  
20 apportioned in the manner provided for the apportionment of the  
21 property taxes for the applicable tax year.

22 Sec. 2. NEW SECTION. **427C.12A Amount of exemption.**

23 1. For assessment years beginning on or after January  
24 1, 2013, forest reservations and fruit-tree reservations  
25 fulfilling the conditions of this chapter shall be exempt from  
26 taxation except for the following tax levies:

27 a. General county services levy under section 331.423,  
28 subsection 1.

29 b. Rural county services levy under section 331.423,  
30 subsection 2.

31 c. Township levy under section 359.43.

32 d. County levy under section 331.385, if the county is  
33 exercising the powers and duties of township trustees relating  
34 to fire protection service and emergency medical service.

35 e. County hospital levies under section 347.7.



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1     *f.* Those portions of a city's tax levy for the city's  
2 general fund under section 384.1 that are attributable to  
3 programs in the city budget for any of the following:  
4     (1) Public safety, including the equipping of fire, police,  
5 emergency services, sanitation, street, and civil defense  
6 departments.  
7     (2) The establishment, construction, reconstruction,  
8 repair, equipping, remodeling, and extension of public works,  
9 public utilities, and public transportation systems, and the  
10 acquisition of real estate needed for such purposes.  
11    (3) The construction, reconstruction, or repair of streets,  
12 highways, bridges, sidewalks, pedestrian underpasses and  
13 overpasses, and street lighting fixtures, and the acquisition  
14 of real estate needed for such purposes.  
15    2. The department of management shall adopt rules necessary  
16 to implement this section.  
17    Sec. 3. Section 441.22, Code 2013, is amended to read as  
18 follows:  
19     **441.22 Forest and fruit-tree reservations.**  
20     Forest and fruit-tree reservations fulfilling the conditions  
21 of sections 427C.1 to 427C.13 and to the extent provided  
22 under section 427C.12A shall be exempt from taxation. In all  
23 other cases where trees are planted upon any tract of land,  
24 without regard to area, for forest, fruit, shade, or ornamental  
25 purposes, or for windbreaks, the assessor shall not increase  
26 the valuation of the property because of such improvements.  
27    Sec. 4. RETROACTIVE APPLICABILITY. This Act applies  
28 retroactively to January 1, 2013, for assessment years  
29 beginning on or after that date.

30                   EXPLANATION

31     Code chapter 427C establishes a forest reservation and  
32 fruit-tree reservation property tax exemption. In order to  
33 qualify for the tax exemption, a forest reservation must have a  
34 minimum of two acres with not less than 200 trees per acre and  
35 a fruit-tree reservation must have at least 10 acres with at

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1 least 40 apple trees or 70 other fruit trees. The exemption  
2 applies in perpetuity for forest tree reservations and eight  
3 years for fruit-tree reservations. Neither reservation can be  
4 used for grazing livestock or for economic gain other than the  
5 gain from raising fruit or forest trees.

6 This bill enacts new Code section 427C.12A which specifies  
7 property tax levies for which the forest reservation and  
8 fruit-tree reservation property tax exemption shall not apply.  
9 The bill provides that for assessment years beginning on or  
10 after January 1, 2013, forest reservations and fruit-tree  
11 reservations fulfilling the conditions of Code chapter 427C are  
12 exempt from taxation except for all of the following levies or  
13 portions of levies: (1) general county services levy under  
14 Code section 331.423(1); (2) rural county services levy under  
15 Code section 331.423(2); (3) township levy for fire protection  
16 and certain other emergency services under Code section 359.43;  
17 (4) county levy for emergency services under Code section  
18 331.385; (5) county hospital levies under Code section 347.7;  
19 and (6) those portions of a city's tax levy for the city's  
20 general fund under Code section 384.1 that are attributable to  
21 programs in the city budget for purposes specified in the bill,  
22 including public safety, public works, and road construction  
23 and repair.

24 The bill requires the department of management to adopt  
25 rules necessary to implement new Code section 427C.12A.

26 The bill applies retroactively to January 1, 2013, for  
27 assessment years beginning on or after that date.



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House File 305 - Introduced

HOUSE FILE 305  
BY KELLEY

A BILL FOR

1 An Act relating to an exemption from sales tax for the sales  
2 price from furnishing certain environmental testing  
3 services.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 423.2, subsection 6, paragraph a, Code  
2 2013, is amended to read as follows:  
3 a. The sales price of any of the following enumerated  
4 services is subject to the tax imposed by subsection  
5 5: alteration and garment repair; armored car; vehicle  
6 repair; battery, tire, and allied; investment counseling;  
7 service charges of all financial institutions; barber and  
8 beauty; boat repair; vehicle wash and wax; campgrounds;  
9 carpentry; roof, shingle, and glass repair; dance schools  
10 and dance studios; dating services; dry cleaning, pressing,  
11 dyeing, and laundering; electrical and electronic repair  
12 and installation; excavating and grading; farm implement  
13 repair of all kinds; flying service; furniture, rug, carpet,  
14 and upholstery repair and cleaning; fur storage and repair;  
15 golf and country clubs and all commercial recreation; gun  
16 and camera repair; house and building moving; household  
17 appliance, television, and radio repair; janitorial and  
18 building maintenance or cleaning; jewelry and watch repair;  
19 lawn care, landscaping, and tree trimming and removal;  
20 limousine service, including driver; machine operator; machine  
21 repair of all kinds; motor repair; motorcycle, scooter, and  
22 bicycle repair; oilers and lubricators; office and business  
23 machine repair; painting, papering, and interior decorating;  
24 parking facilities; pay television; pet grooming; pipe  
25 fitting and plumbing; wood preparation; executive search  
26 agencies; private employment agencies, excluding services  
27 for placing a person in employment where the principal place  
28 of employment of that person is to be located outside of the  
29 state; reflexology; security and detective services; sewage  
30 services for nonresidential commercial operations; sewing  
31 and stitching; shoe repair and shoeshine; sign construction  
32 and installation; storage of household goods, mini-storage,  
33 and warehousing of raw agricultural products; swimming pool  
34 cleaning and maintenance; tanning beds or salons; taxidermy  
35 services; telephone answering service; test laboratories,



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1 including mobile testing laboratories and field testing by  
2 testing laboratories, and excluding tests on humans or animals  
3 and excluding environmental testing services; termite, bug,  
4 roach, and pest eradicators; tin and sheet metal repair;  
5 transportation service consisting of the rental of recreational  
6 vehicles or recreational boats, or the rental of motor vehicles  
7 subject to registration which are registered for a gross  
8 weight of thirteen tons or less for a period of sixty days or  
9 less, or the rental of aircraft for a period of sixty days or  
10 less; Turkish baths, massage, and reducing salons, excluding  
11 services provided by massage therapists licensed under chapter  
12 152C; water conditioning and softening; weighing; welding;  
13 well drilling; wrapping, packing, and packaging of merchandise  
14 other than processed meat, fish, fowl, and vegetables; wrecking  
15 service; wrecker and towing.

16 Sec. 2. Section 423.3, Code 2013, is amended by adding the  
17 following new subsection:

18 NEW SUBSECTION. 99. The sales price from the furnishing  
19 of environmental testing services performed at a laboratory,  
20 in the field, or by a mobile testing service. For purposes  
21 of this subsection, "*environmental testing*" means the physical  
22 or chemical analysis of soil, water, wastewater, air, or  
23 solid waste performed in order to ascertain the presence of  
24 environmental contamination or degradation.

25 EXPLANATION

26 This bill provides a sales tax exemption for the furnishing  
27 of environmental testing services performed at a laboratory,  
28 in the field, or by a mobile testing service. "Environmental  
29 testing" means the physical or chemical analysis of soil,  
30 water, wastewater, air, or solid waste performed in order  
31 to ascertain the presence of environmental contamination or  
32 degradation.

33 By operation of Code section 423.6, an item exempt from the  
34 imposition of the sales tax is also exempt from the use tax  
35 imposed in Code section 423.5.

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Iowa General Assembly  
Daily Bills, Amendments and Study Bills  
February 21, 2013

House File 306 - Introduced

HOUSE FILE 306  
BY HANSON

A BILL FOR

1 An Act relating to requirements for accepting and maintaining  
2 a tract of land as a forest reservation for property tax  
3 exemption purposes.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 427C.3, Code 2013, is amended to read as  
2 follows:

3 **427C.3 Forest reservation — forest management plan required.**

4 1. A forest reservation shall contain not less than two  
5 hundred growing forest trees on each acre. If Subject to the  
6 requirements of subsections 3 and 4, if the area selected is a  
7 forest containing the required number of growing forest trees,  
8 it shall be accepted as a forest reservation under this chapter  
9 provided application is made or on file on or before February 1  
10 of the exemption year.

11 2. If any buildings are standing on an area selected  
12 as a forest reservation under this section or a fruit-tree  
13 reservation under section 427C.7, one acre of that area shall  
14 be excluded from the tax exemption. However, the exclusion  
15 of that acre shall not affect the area's meeting the acreage  
16 requirement of section 427C.2.

17 3. On or after July 1, 2013, a tract of land shall not  
18 be initially accepted for a forest reservation tax exemption  
19 under this chapter unless the application for the exemption  
20 is accompanied by a forest management plan approved by a  
21 qualified forester who has a bachelor's or graduate degree  
22 from an accredited college or university with a major in  
23 forestry. The natural resource commission shall, by rule,  
24 define the qualifications of a qualified forester and specify  
25 what criteria must be included in the forest management plan.

26 4. a. The owner of a tract of land accepted for a forest  
27 reservation tax exemption before July 1, 2013, shall file  
28 a forest management plan approved by a qualified forester  
29 for the forest reservation as required under subsection 3,  
30 with the county assessor by July 1, 2018. If the plan is not  
31 timely filed with the assessor, the assessor shall assess the  
32 property for taxation at its fair market value or, on property  
33 classified as agricultural property, on the basis of the  
34 productivity and net earning capacity of the property, as of  
35 January 1, 2018, as provided in section 427C.12.

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1     b. The owner of a tract of land accepted for a forest  
2     reservation tax exemption before July 1, 2013, who has a forest  
3     management plan for the forest reservation that was prepared  
4     within five years prior to July 1, 2013, shall file a copy of  
5     the forest management plan with the county assessor. However,  
6     if the forest management plan filed by the owner does not  
7     meet the requirements of subsection 3, the owner shall file  
8     a new forest management plan that meets the requirements of  
9     subsection 3 by July 1, 2018. If the plan is not timely filed  
10    with the assessor, the assessor shall assess the property for  
11    taxation at its fair market value or, on property classified  
12    as agricultural property, on the basis of the productivity and  
13    net earning capacity of the property, as of January 1, 2018,  
14    as provided in section 427C.12.

15    5. a. The owner of a tract of land accepted for a forest  
16    reservation tax exemption under this chapter shall have the  
17    forest management plan for the forest reservation reviewed  
18    by a qualified forester every ten years subsequent to the  
19    initial acceptance of the tract of land for the exemption and  
20    shall file a report of the review with the county assessor.  
21    The natural resource commission shall, by rule, define the  
22    requirements for renewal of a forest management plan under this  
23    subsection. If the landowner does not meet the requirements  
24    for renewal of a forest management plan under this subsection,  
25    the assessor shall assess the property for taxation as provided  
26    in section 427C.12.

27    b. Notwithstanding paragraph "a", the county assessor may  
28    require the owner of a tract of land accepted for a forest  
29    reservation tax exemption under this chapter to have the forest  
30    management plan for the forest reservation reviewed by a  
31    qualified forester and a report of the review filed with the  
32    assessor at any time, upon receipt of a complaint that the  
33    property is not being maintained as a forest reservation as  
34    required under this chapter. If the landowner does not meet  
35    the requirements for renewal of a forest management plan, the

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1 assessor shall assess the property for taxation as provided in  
2 section 427C.12.

3 Sec. 2. Section 427C.12, Code 2013, is amended to read as  
4 follows:

5 **427C.12 Application — inspection — continuation of**  
6 **exemption — recapture of tax.**

7 1. It shall be the duty of the assessor to secure the facts  
8 relative to fruit-tree and forest reservations by taking the  
9 sworn statement, or affirmation, of the owner or owners making  
10 application under this chapter; and to make special report to  
11 the county auditor of all reservations made in the county under  
12 the provisions of this chapter.

13 2. The board of supervisors shall designate the county  
14 conservation board or the assessor who shall inspect the area  
15 for which an application is filed for a fruit-tree or forest  
16 reservation tax exemption before the application is accepted.  
17 Use of aerial photographs may be substituted for on-site  
18 inspection when appropriate. The application can only be  
19 accepted if it meets the criteria established by the natural  
20 resource commission to be a fruit-tree or forest reservation.  
21 Once the application has been accepted, the area shall continue  
22 to receive the tax exemption during each year in which the  
23 area is maintained as a fruit-tree or forest reservation  
24 without the owner having to refile. If the property is  
25 sold or transferred, the seller shall notify the buyer that  
26 all, or part of, the property is in fruit-tree or forest  
27 reservation and subject to the recapture tax provisions of  
28 this section. The tax exemption shall continue to be granted  
29 for the remainder of the eight-year period for fruit-tree  
30 reservation and for the following years for forest reservation  
31 or until the property no longer qualifies as a fruit-tree or  
32 forest reservation. The area may be inspected each year by  
33 the county conservation board or the assessor to determine if  
34 the area is maintained as a fruit-tree or forest reservation.  
35 If the area is not maintained or is used for economic gain

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1 other than as a fruit-tree reservation during any year of the  
2 eight-year exemption period and any year of the following five  
3 years or as a forest reservation during any year for which the  
4 exemption is granted and any of the five years following those  
5 exemption years, the assessor shall assess the property for  
6 taxation at its fair market value or, on property classified  
7 as agricultural property, on the basis of the productivity and  
8 net earning capacity of the property, as of January 1 of that  
9 year and in addition the area shall be subject to a recapture  
10 tax. However, the area shall not be subject to the recapture  
11 tax if the owner, including one possessing under a contract  
12 of sale, and the owner's direct antecedents or descendants  
13 have owned the area for more than ten years. The tax shall be  
14 computed by multiplying the consolidated levy for each of those  
15 years, if any, of the five preceding years for which the area  
16 received the exemption for fruit-tree or forest reservation  
17 times the assessed value of the area that would have been taxed  
18 but for the tax exemption. This tax shall be entered against  
19 the property on the tax list for the current year and shall  
20 constitute a lien against the property in the same manner as  
21 a lien for property taxes. The tax when collected shall be  
22 apportioned in the manner provided for the apportionment of the  
23 property taxes for the applicable tax year.

24 EXPLANATION

25 This bill requires that a tract of land shall not be accepted  
26 for a forest reservation tax exemption unless the application  
27 for the exemption is accompanied by a forest management plan  
28 approved by a qualified forester with a bachelor's or graduate  
29 degree in forestry. The natural resource commission shall, by  
30 rule, define the qualifications of a qualified forester and  
31 specify what criteria must be included in the forest management  
32 plan.

33 The owner of land accepted for a forest reservation tax  
34 exemption before July 1, 2013, is required to file a forest  
35 management plan approved by a qualified forester with the

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1 county assessor by July 1, 2018, or lose the tax exemption on  
2 that property.

3 The owner of land accepted for a forest reservation tax  
4 exemption before July 1, 2013, who has a forest management plan  
5 for the forest reservation that was prepared within five years  
6 prior to that date, shall file a copy of the forest management  
7 plan with the county assessor. However, if that plan does not  
8 meet the requirements of the bill, the owner must file a new  
9 forest management plan that does meet those requirements by  
10 July 1, 2018, or lose the tax exemption on that property.

11 The bill provides that if the tax exemption is lost, the  
12 property shall be assessed at its fair market value or, on  
13 property classified as agricultural, on the basis of the  
14 productivity and net earning capacity of the property, as of  
15 January 1 of the year the exemption is lost.

16 The bill also provides that the forest management plan of a  
17 forest reservation must be reviewed every 10 years after the  
18 initial acceptance of a tract of land as a forest reservation  
19 and a report of the review filed with the county assessor. The  
20 natural resource commission shall adopt rules that specify  
21 the requirements for renewal of a forest management plan. If  
22 the landowner does not meet the requirements for renewal, the  
23 assessor shall assess the property for taxation as provided in  
24 Code section 427C.12.

25 In addition, the county assessor may require review of a  
26 forest management plan by a qualified forester at any time,  
27 upon receipt of a complaint that the property is not being  
28 maintained as a forest reservation as required by Code chapter  
29 427C. If the landowner does not meet the requirements for  
30 renewal of the plan, the assessor shall assess the property for  
31 taxation as provided in Code section 427C.12.



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House File 307 - Introduced

HOUSE FILE 307  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 40)

A BILL FOR

1 An Act establishing the department of homeland security and  
2 emergency management.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 7E.5, subsection 1, paragraph p, Code  
2 2013, is amended to read as follows:

3 *p.* The department of public defense, created in section  
4 29.1, which has primary responsibility for state military  
5 forces ~~and emergency management~~.

6 Sec. 2. Section 7E.5, subsection 1, Code 2013, is amended by  
7 adding the following new paragraph:

8 NEW PARAGRAPH. *w.* The department of homeland security  
9 and emergency management, created in section 29C.5, which has  
10 primary responsibility for the administration of emergency  
11 planning matters, including emergency resource planning in  
12 this state, homeland security activities, and coordination of  
13 available services and resources in the event of a disaster to  
14 include those services and resources of the federal government  
15 and private entities.

16 Sec. 3. Section 8A.202, subsection 5, paragraph e, Code  
17 2013, is amended to read as follows:

18 *e.* The department of public defense, ~~including both the~~  
19 ~~military division and the homeland security and emergency~~  
20 ~~management division~~, shall not be required to obtain any  
21 information technology services pursuant to this subchapter  
22 for the department of public defense ~~or its divisions~~ that is  
23 provided by the department pursuant to this chapter without the  
24 consent of the adjutant general.

25 Sec. 4. Section 8D.2, subsection 5, paragraph b, Code 2013,  
26 is amended to read as follows:

27 *b.* For the purposes of this chapter, "*public agency*" also  
28 includes any homeland security or defense facility or disaster  
29 response agency established by the ~~administrator~~ director of  
30 the department of homeland security and emergency management  
31 ~~division of the department of public defense~~ or the governor  
32 or any facility connected with a security or defense system or  
33 disaster response as required by the ~~administrator~~ director of  
34 the department of homeland security and emergency management  
35 ~~division of the department of public defense~~ or the governor.

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1 Sec. 5. Section 8D.9, subsection 3, Code 2013, is amended  
2 to read as follows:

3 3. A facility that is considered a public agency pursuant  
4 to section 8D.2, subsection 5, paragraph "b", shall be  
5 authorized to access the Iowa communications network strictly  
6 for homeland security communication purposes and disaster  
7 communication purposes. Any utilization of the network that  
8 is not related to communications concerning homeland security  
9 or a disaster, as defined in section 29C.2, is expressly  
10 prohibited. Access under this subsection shall be available  
11 only if a state of disaster emergency is proclaimed by the  
12 governor pursuant to section 29C.6 or a homeland security  
13 or disaster event occurs requiring connection of disparate  
14 communications systems between public agencies to provide  
15 for a multiagency or multijurisdictional response. Access  
16 shall continue only for the period of time the homeland  
17 security or disaster event exists. For purposes of this  
18 subsection, disaster communication purposes includes training  
19 and exercising for a disaster if public notice of the training  
20 and exercising session is posted on the website internet site  
21 of the department of homeland security and emergency management  
22 ~~division of the department of public defense~~. A scheduled and  
23 noticed training and exercising session shall not exceed five  
24 days. Interpretation and application of the provisions of this  
25 subsection shall be strictly construed.

26 Sec. 6. Section 16.191, subsection 2, paragraph e, Code  
27 2013, is amended to read as follows:

28 e. The ~~administrator~~ director of the department of homeland  
29 security and emergency management ~~division of the department of~~  
30 ~~public defense~~ or the ~~administrator's~~ director's designee.

31 Sec. 7. Section 22.7, subsection 45, Code 2013, is amended  
32 to read as follows:

33 45. The critical asset protection plan or any part of the  
34 plan prepared pursuant to section 29C.8 and any information  
35 held by the department of homeland security and emergency

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1 management ~~division~~ that was supplied to the ~~division~~  
2 department by a public or private agency or organization and  
3 used in the development of the critical asset protection plan  
4 to include, but not be limited to, surveys, lists, maps, or  
5 photographs. However, the ~~administrator~~ director shall make  
6 the list of assets available for examination by any person.  
7 A person wishing to examine the list of assets shall make  
8 a written request to the ~~administrator~~ director on a form  
9 approved by the ~~administrator~~ director. The list of assets may  
10 be viewed at the ~~division's~~ department's offices during normal  
11 working hours. The list of assets shall not be copied in any  
12 manner. Communications and asset information not required by  
13 law, rule, or procedure that are provided to the ~~administrator~~  
14 director by persons outside of government and for which the  
15 ~~administrator~~ director has signed a nondisclosure agreement are  
16 exempt from public disclosures. The department of homeland  
17 security and emergency management ~~division~~ may provide all or  
18 part of the critical asset plan to federal, state, or local  
19 governmental agencies which have emergency planning or response  
20 functions if the ~~administrator~~ director is satisfied that  
21 the need to know and intended use are reasonable. An agency  
22 receiving critical asset protection plan information from the  
23 ~~division~~ department shall not redisseminate the information  
24 without prior approval of the ~~administrator~~ director.

25 Sec. 8. Section 23A.2, subsection 10, paragraph m, Code  
26 2013, is amended to read as follows:

27 *m.* The repair, calibration, or maintenance of radiological  
28 detection equipment by the department of homeland security  
29 and emergency management ~~division of the department of public~~  
30 ~~defense~~.

31 Sec. 9. Section 29.1, Code 2013, is amended to read as  
32 follows:

33 **29.1 Department of public defense.**

34 The department of public defense is composed of the ~~military~~  
35 ~~division and the homeland security and emergency management~~

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1 ~~division office of the adjutant general and the military forces~~  
2 ~~of the state of Iowa. The adjutant general is the director of~~  
3 ~~the department of public defense and the budget and personnel~~  
4 ~~of all of the divisions are subject to the approval of the~~  
5 ~~adjutant general shall perform all functions, responsibilities,~~  
6 ~~powers, and duties over the military forces of the state of~~  
7 ~~Iowa as provided in the laws of the state. The Iowa emergency~~  
8 ~~response commission established by section 30.2 is attached to~~  
9 ~~the department of public defense for organizational purposes.~~

10 Sec. 10. Section 29.2A, Code 2013, is amended to read as  
11 follows:

12 **29.2A Airport fire fighters — maximum age.**

13 The maximum age for a person to be employed as an airport  
14 fire fighter by the ~~military division of the~~ department of  
15 public defense is sixty-five years of age.

16 Sec. 11. Section 29A.3A, subsection 4, paragraph a, Code  
17 2013, is amended to read as follows:

18 a. Operations and administration of the civil air patrol  
19 relating to missions not qualifying for federal mission status  
20 shall be funded by the state from moneys appropriated to the  
21 ~~department of~~ homeland security and emergency management  
22 ~~division of the department of public defense~~ for that purpose.

23 Sec. 12. Section 29A.12, subsection 1, Code 2013, is amended  
24 to read as follows:

25 1. The adjutant general shall have command and control of  
26 the ~~military division~~ department of public defense, and perform  
27 such duties as pertain to the office of the adjutant general  
28 under law and regulations, pursuant to the authority vested in  
29 the adjutant general by the governor. The adjutant general  
30 shall superintend the preparation of all letters and reports  
31 required by the United States from the state, and perform all  
32 the duties prescribed by law. The adjutant general shall  
33 have charge of the state military reservations, and all other  
34 property of the state kept or used for military purposes. The  
35 adjutant general may accept and expend nonappropriated funds

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1 in accordance with law and regulations. The adjutant general  
2 shall cause an inventory to be taken at least once each year  
3 of all military stores, property, and funds under the adjutant  
4 general's jurisdiction. In each year preceding a regular  
5 session of the general assembly, the adjutant general shall  
6 prepare a detailed report of the transactions of that office,  
7 its expenses, and other matters required by the governor for  
8 the period since the last preceding report, and the governor  
9 may at any time require a similar report.

10 Sec. 13. Section 29A.56, Code 2013, is amended to read as  
11 follows:

12 **29A.56 Special police.**

13 The adjutant general may by order entered of record  
14 commission one or more of the employees of the military  
15 ~~division~~ department of public defense as special police. Such  
16 special police shall on the premises of any state military  
17 reservation or other state military property have and exercise  
18 the powers of regular peace officers.

19 Sec. 14. Section 29C.1, subsection 1, Code 2013, is amended  
20 to read as follows:

21 1. To establish a department of homeland security  
22 and emergency management ~~division of the department of~~  
23 ~~public defense~~ and to authorize the establishment of local  
24 organizations for emergency management in the political  
25 subdivisions of the state.

26 Sec. 15. Section 29C.2, Code 2013, is amended by adding the  
27 following new subsections:

28 NEW SUBSECTION. 1A. "*Department*" means the department of  
29 homeland security and emergency management.

30 NEW SUBSECTION. 1B. "*Director*" means the director of the  
31 department of homeland security and emergency management.

32 Sec. 16. Section 29C.5, Code 2013, is amended to read as  
33 follows:

34 **29C.5 Homeland Department of homeland security and emergency**  
35 **management division.**





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1     A The department of homeland security and emergency  
2 management division is created ~~within the department of public~~  
3 ~~defense~~. The department of homeland security and emergency  
4 management division shall be responsible for the administration  
5 of emergency planning matters, including emergency resource  
6 planning in this state, cooperation with, support of, funding  
7 for, and tasking of the civil air patrol for missions not  
8 qualifying for federal mission status as described in section  
9 29A.3A in accordance with operational and funding criteria  
10 developed with the adjutant general and coordinated with  
11 the civil air patrol, homeland security activities, and  
12 coordination of available services and resources in the event  
13 of a disaster to include those services and resources of the  
14 federal government and private entities. The Iowa emergency  
15 response commission established by section 30.2 is attached to  
16 the department of homeland security and emergency management  
17 for organizational purposes.

18     Sec. 17. Section 29C.8, Code 2013, is amended to read as  
19 follows:

20     **29C.8 Powers and duties of administrator director.**

21     1. The department of homeland security and emergency  
22 management division shall be under the management of an  
23 administrator a director appointed by the governor.

24     2. The administrator director shall be vested with the  
25 authority to administer emergency management and homeland  
26 security affairs in this state and shall be responsible for  
27 preparing and executing the emergency management and homeland  
28 security programs of this state subject to the direction of the  
29 adjutant general governor. In the event of a disaster beyond  
30 local control, the director may assume direct operational  
31 control over all or any part of the emergency management  
32 functions within this state.

33     3. The administrator director, upon the direction of  
34 the governor ~~and supervisory control of the director of the~~  
35 ~~department of public defense~~, shall:

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1     a. Prepare a comprehensive emergency plan and emergency  
2 management program for homeland security, disaster  
3 preparedness, response, recovery, mitigation, emergency  
4 operation, and emergency resource management of this state.  
5 The plan and program shall be integrated into and coordinated  
6 with the homeland security and emergency plans of the federal  
7 government and of other states to the fullest possible extent  
8 ~~and.~~ The director shall also coordinate the preparation of  
9 plans and programs for emergency management of the political  
10 subdivisions and various state departments of this state.  
11 The plans shall be integrated into and coordinated with a  
12 comprehensive state homeland security and emergency program for  
13 this state as coordinated by the ~~administrator of the homeland~~  
14 ~~security and emergency management division~~ director to the  
15 fullest possible extent.

16     b. Make such studies and surveys of the industries,  
17 resources, and facilities in this state as may be necessary to  
18 ascertain the vulnerabilities of critical state infrastructure  
19 and assets to attack and the capabilities of the state for  
20 disaster recovery, disaster planning and operations, and  
21 emergency resource management, and to plan for the most  
22 efficient emergency use thereof.

23     c. Provide technical assistance to any commission requiring  
24 the assistance in the development of an emergency management  
25 or homeland security program.

26     d. Implement planning and training for emergency response  
27 teams as mandated by the federal government under the  
28 Comprehensive Environmental Response, Compensation, and  
29 Liability Act of 1980 as amended by the Superfund Amendments  
30 and Reauthorization Act of 1986, 42 U.S.C. § 9601 et seq.

31     e. Prepare a critical asset protection plan that contains  
32 an inventory of infrastructure, facilities, systems, other  
33 critical assets, and symbolic landmarks; an assessment of the  
34 criticality, vulnerability, and level of threat to the assets;  
35 and information pertaining to the mobilization, deployment, and

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1 tactical operations involved in responding to or protecting the  
2 assets.

3     *f.* Approve and support the development and ongoing  
4 operations of homeland security and emergency response teams to  
5 be deployed as a resource to supplement and enhance disrupted  
6 or overburdened local emergency and disaster operations and  
7 deployed as available to provide assistance to other states  
8 pursuant to the interstate emergency management assistance  
9 compact described in section 29C.21. The following shall apply  
10 to homeland security and emergency response teams:

11     (1) A member of a homeland security and emergency response  
12 team acting under this section upon the directive of the  
13 ~~administrator~~ director or pursuant to a governor's disaster  
14 proclamation as provided in section 29C.6 shall be considered  
15 an employee of the state for purposes of section 29C.21 and  
16 chapter 669 and shall be afforded protection as an employee  
17 of the state under section 669.21. Disability, workers'  
18 compensation, and death benefits for team members working  
19 under the authority of the ~~administrator~~ director or pursuant  
20 to the provisions of section 29C.6 shall be paid by the  
21 state in a manner consistent with the provisions of chapter  
22 85, 410, or 411 as appropriate, depending on the status of  
23 the member, provided that the member is registered with the  
24 ~~homeland security and emergency management division~~ department  
25 as a member of an approved team and is participating as a  
26 team member in a response or recovery operation initiated  
27 by the ~~administrator~~ director or governor pursuant to this  
28 section or in a training or exercise activity approved by the  
29 ~~administrator~~ director.

30     (2) Each approved homeland security and emergency  
31 management response team shall establish standards for  
32 team membership, shall provide the ~~division~~ department with  
33 a listing of all team members, and shall update the list  
34 each time a member is removed from or added to the team.  
35 Individuals so identified as team members shall be considered



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1 to be registered as team members for purposes of subparagraph  
2 (1).

3 (3) Upon notification of a compensable loss to a member of  
4 a homeland security and emergency management response team, the  
5 department of administrative services shall process the claim  
6 and seek authorization from the executive council to pay as an  
7 expense paid from the appropriations addressed in section 7D.29  
8 those costs associated with covered benefits.

9 g. Implement and support the national incident management  
10 system as established by the United States department of  
11 homeland security to be used by state agencies and local and  
12 tribal governments to facilitate efficient and effective  
13 assistance to those affected by emergencies and disasters.

14 h. Carry out duties related to the flood mitigation program  
15 and the flood mitigation board under chapter 418.

16 4. The ~~administrator~~ director, with the approval of the  
17 governor ~~and upon recommendation of the adjutant general~~, may  
18 employ a deputy ~~administrator~~ director and such technical,  
19 clerical, stenographic, and other personnel and make such  
20 expenditures within the appropriation or from other funds made  
21 available to the department of ~~public defense for purposes of~~  
22 ~~emergency management~~, as may be necessary to administer this  
23 chapter.

24 5. The ~~homeland security and emergency management division~~  
25 department may charge fees for the repair, calibration, or  
26 maintenance of radiological detection equipment and may expend  
27 funds in addition to funds budgeted for the servicing of the  
28 radiological detection equipment. The ~~division~~ department  
29 shall adopt rules pursuant to chapter 17A providing for the  
30 establishment and collection of fees for radiological detection  
31 equipment repair, calibration, or maintenance services and  
32 for entering into agreements with other public and private  
33 entities to provide the services. Fees collected for repair,  
34 calibration, or maintenance services shall be treated as  
35 repayment receipts as defined in section 8.2 and shall be used



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1 for the operation of the ~~division's~~ department's radiological  
2 maintenance facility or radiation incident response training.

3 Sec. 18. Section 29C.8A, subsection 2, Code 2013, is amended  
4 to read as follows:

5 2. The emergency response fund shall be administered by the  
6 ~~homeland security and emergency management division~~ department  
7 to carry out planning and training for the emergency response  
8 teams.

9 Sec. 19. Section 29C.9, subsections 1, 5, 7, 8, and 10, Code  
10 2013, are amended to read as follows:

11 1. The county boards of supervisors, city councils, and  
12 the sheriff in each county shall cooperate with the ~~homeland~~  
13 ~~security and emergency management division of the department of~~  
14 ~~public defense~~ department to establish a commission to carry  
15 out the provisions of this chapter.

16 5. The commission shall model its bylaws and conduct its  
17 business according to the guidelines provided in the ~~state~~  
18 ~~division's~~ department's administrative rules.

19 7. The commission shall delegate to the emergency  
20 management coordinator the authority to fulfill the  
21 commission duties as described in the ~~division's~~ department's  
22 administrative rules. Each commission shall appoint a  
23 local emergency management coordinator who shall meet the  
24 qualifications specified in the administrative rules by the  
25 ~~administrator of the homeland security and emergency management~~  
26 ~~division~~ director. Additional emergency management personnel  
27 may be appointed at the discretion of the commission.

28 8. The commission shall develop, adopt, and submit  
29 for approval by local governments within the commission's  
30 jurisdiction, a comprehensive emergency plan which meets  
31 standards adopted by the ~~division~~ department in accordance  
32 with chapter 17A. If an approved comprehensive emergency  
33 plan has not been prepared according to established standards  
34 and the ~~administrator of the homeland security and emergency~~  
35 ~~management division~~ director finds that satisfactory progress

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1 is not being made toward the completion of the plan, or if  
2 the ~~administrator~~ director finds that a commission has failed  
3 to appoint a qualified emergency management coordinator as  
4 provided in this chapter, the ~~administrator~~ director shall  
5 notify the governing bodies of the counties and cities affected  
6 by the failure and the governing bodies shall not appropriate  
7 any moneys to the local emergency management fund until the  
8 comprehensive emergency plan is prepared and approved or a  
9 qualified emergency management coordinator is appointed.

10 If the ~~administrator~~ director finds that a commission has  
11 appointed an unqualified emergency management coordinator,  
12 the ~~administrator~~ director shall notify the commission citing  
13 the qualifications which are not met and the commission shall  
14 not approve the payment of the salary or expenses of the  
15 unqualified emergency management coordinator.

16 10. Two or more commissions may, upon review by the  
17 ~~state administrator~~ director and with the approval of their  
18 respective boards of supervisors and cities, enter into  
19 agreements pursuant to chapter 28E for the joint coordination  
20 and administration of emergency management services throughout  
21 the multicounty area.

22 Sec. 20. Section 29C.11, subsection 1, Code 2013, is amended  
23 to read as follows:

24 1. The local emergency management commission shall, in  
25 collaboration with other public and private agencies within  
26 this state, develop mutual aid arrangements for reciprocal  
27 disaster services and recovery aid and assistance in case  
28 of disaster too great to be dealt with unassisted. The  
29 arrangements shall be consistent with the ~~homeland security and~~  
30 ~~emergency management division~~ department plan and program, and  
31 in time of emergency each local emergency management agency  
32 shall render assistance in accordance with the provisions of  
33 the mutual aid arrangements.

34 Sec. 21. Section 29C.12, Code 2013, is amended to read as  
35 follows:

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1     **29C.12 Use of existing facilities.**

2     In carrying out the provisions of this chapter, the  
3 governor, ~~and the director of the department of public defense,~~  
4 and the executive officers or governing boards of political  
5 subdivisions of the state shall utilize, to the maximum extent  
6 practicable, the services, equipment, supplies, and facilities  
7 of existing departments, officers, and agencies of the state  
8 and of political subdivisions at their respective levels of  
9 responsibility.

10    Sec. 22. Section 29C.12A, Code 2013, is amended to read as  
11 follows:

12     **29C.12A Participation in funding disaster recovery facility.**

13    All state government departments and agencies may  
14 participate in sharing the cost of the design, construction,  
15 and operation of a disaster recovery facility located in the  
16 ~~STARC~~ joint forces headquarters armory at Camp Dodge. State  
17 departments and agencies may use funds from any source,  
18 including but not limited to user fees and appropriations  
19 for operational or capital purposes, to participate in the  
20 facility.

21    Sec. 23. Section 29C.14, Code 2013, is amended to read as  
22 follows:

23     **29C.14 Director of the department of administrative services**  
24 **to issue warrants.**

25    The director of the department of administrative services  
26 shall draw warrants on the treasurer of state for the purposes  
27 specified in this chapter, upon duly itemized and verified  
28 vouchers that have been approved by the ~~administrator~~ director  
29 of the department of homeland security and emergency management  
30 ~~division~~.

31    Sec. 24. Section 29C.18, subsection 1, Code 2013, is amended  
32 to read as follows:

33    1. Every organization for homeland security and emergency  
34 management established pursuant to this chapter and its  
35 officers shall execute and enforce the orders or rules made by

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1 the governor, or under the governor's authority and the orders  
2 or rules made by subordinate organizations and not contrary or  
3 inconsistent with the orders or rules of the governor.

4 Sec. 25. Section 29C.20B, Code 2013, is amended to read as  
5 follows:

6 **29C.20B Disaster case management.**

7 1. The department of homeland security and emergency  
8 management ~~division~~ shall work with the department of  
9 human services and nonprofit, voluntary, and faith-based  
10 organizations active in disaster recovery and response to  
11 establish a statewide system of disaster case management  
12 to be activated following the governor's proclamation of a  
13 disaster emergency or the declaration of a major disaster by  
14 the president of the United States for individual assistance  
15 purposes. Under the system, the department of homeland  
16 security and emergency management ~~division~~ shall coordinate  
17 case management services locally through local committees as  
18 established in each commission's emergency plan.

19 2. The department of homeland security and emergency  
20 management ~~division~~, in conjunction with the department of  
21 human services and an Iowa representative to the national  
22 voluntary organizations active in disaster, shall adopt rules  
23 pursuant to chapter 17A to create coordination mechanisms  
24 and standards for the establishment and implementation of  
25 a statewide system of disaster case management which shall  
26 include at least all of the following:

- 27 a. Disaster case management standards.
- 28 b. Disaster case management policies.
- 29 c. Reporting requirements.
- 30 d. Eligibility criteria.
- 31 e. Coordination mechanisms necessary to carry out the  
32 services provided.
- 33 f. Development of formal working relationships with  
34 agencies and creation of interagency agreements for those  
35 considered to provide disaster case management services.

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1     *g.* Coordination of all available services for individuals  
2 from multiple agencies.

3     Sec. 26. Section 29C.22, subsection 3, paragraph c, Code  
4 2013, is amended to read as follows:

5     *c.* The authorized representative of a participating  
6 government may initiate a request by contacting the department  
7 of homeland security and emergency management ~~division of the~~  
8 ~~state department of public defense~~. When a request is received  
9 by the ~~division~~ department, the ~~division~~ department shall  
10 directly contact other participating governments to coordinate  
11 the provision of mutual aid.

12     Sec. 27. Section 29C.22, subsection 11, paragraphs b and c,  
13 Code 2013, are amended to read as follows:

14     *b.* Any participating government may withdraw from this  
15 compact by adopting an ordinance or resolution repealing the  
16 same, but a withdrawal shall not take effect until thirty days  
17 after the governing body of the withdrawing participating  
18 government has given notice in writing of the withdrawal to the  
19 ~~administrator~~ director of the department of homeland security  
20 and emergency management ~~division~~ who shall notify all other  
21 participating governments. The action shall not relieve the  
22 withdrawing political subdivision from obligations assumed  
23 under this compact prior to the effective date of withdrawal.

24     *c.* Duly authenticated copies of this compact and any  
25 supplementary agreements as may be entered into shall  
26 be deposited, at the time of their approval, with the  
27 ~~administrator~~ director of the department of homeland security  
28 and emergency management ~~division~~ who shall notify all  
29 participating governments and other appropriate agencies of  
30 state government.

31     Sec. 28. Section 30.2, subsections 1 and 2, Code 2013, are  
32 amended to read as follows:

33     1. The Iowa emergency response commission is established.  
34 The commission is responsible directly to the governor. The  
35 commission is attached to the department of ~~public defense~~

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1 homeland security and emergency management for routine  
2 administrative and support services only.

3     2. *a.* The commission is composed of ~~fifteen~~ sixteen members  
4 appointed by the governor. One member shall be appointed to  
5 represent the department of homeland security and emergency  
6 management, one to represent the department of agriculture and  
7 land stewardship, one to represent the department of workforce  
8 development, one to represent the department of justice, one to  
9 represent the department of natural resources, one to represent  
10 the department of public defense, one to represent the Iowa  
11 department of public health, one to represent the department  
12 of public safety, one to represent the state department of  
13 transportation, one to represent the state fire service and  
14 emergency response council, one to represent a local emergency  
15 planning committee, one to represent the Iowa hazardous  
16 materials task force, and one to represent the office of the  
17 governor. Three representatives from private industry shall  
18 also be appointed by the governor, subject to confirmation by  
19 the senate.

20     *b.* The commission members representing the departments  
21 of homeland security and emergency management, workforce  
22 development, natural resources, public defense, public safety,  
23 and transportation, a local emergency planning committee,  
24 and one private industry representative designated by the  
25 commission shall be voting members of the commission. The  
26 remaining members of the commission shall serve as nonvoting,  
27 advisory members.

28     Sec. 29. Section 30.5, subsection 2, Code 2013, is amended  
29 to read as follows:

30     2. The commission may enter into agreements pursuant to  
31 chapter 28E to accomplish any duty imposed upon the commission  
32 by the Emergency Planning and Community Right-to-know Act,  
33 but the commission shall not compensate any governmental unit  
34 for the performance of duties pursuant to such an agreement.  
35 Funding for administering the duties of the commission under

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1 sections 30.7, 30.8, and 30.9 shall be included in the budgets  
2 of the department of natural resources and the department of  
3 ~~public defense~~ homeland security and emergency management.

4 Sec. 30. Section 30.9, Code 2013, is amended to read as  
5 follows:

6 30.9 Duties to be allocated to department of ~~public defense~~  
7 homeland security and emergency management.

8 Agreements negotiated by the commission and the department  
9 of ~~public defense~~ homeland security and emergency management  
10 shall provide for the allocation of duties to the department  
11 of ~~public defense~~ homeland security and emergency management  
12 as follows:

13 1. Comprehensive emergency plans required to be developed  
14 under section 303 of the Emergency Planning and Community  
15 ~~Right-to-Know~~ Right-to-know Act, 42 U.S.C. § 11003, shall  
16 be submitted to the department of ~~public defense~~ homeland  
17 security and emergency management. Committee submission to  
18 that department constitutes compliance with the requirement for  
19 reporting to the commission. After initial submission, a plan  
20 need not be resubmitted unless revisions are requested by the  
21 commission. The department of ~~public defense~~ homeland security  
22 and emergency management shall review the plan on behalf of the  
23 commission and shall incorporate the provisions of the plan  
24 into its responsibilities under chapter 29C.

25 2. The department of ~~public defense~~ homeland security and  
26 emergency management shall advise the commission of the failure  
27 of any committee to submit an initial comprehensive ~~emergency~~  
28 response and recovery plan or a revised plan requested by the  
29 commission.

30 3. The department of ~~public defense~~ homeland security and  
31 emergency management shall make available to the public upon  
32 request during normal working hours the information in its  
33 possession pursuant to section 324 of the Emergency Planning  
34 and Community ~~Right-to-Know~~ Right-to-know Act, 42 U.S.C.  
35 § 11044.

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1 Sec. 31. Section 34A.2, subsection 2, Code 2013, is amended  
2 by striking the subsection.

3 Sec. 32. Section 34A.2, Code 2013, is amended by adding the  
4 following new subsection:

5 NEW SUBSECTION. 5A. "*Director*" means the director of the  
6 department of homeland security and emergency management.

7 Sec. 33. Section 34A.2A, Code 2013, is amended to read as  
8 follows:

9 **34A.2A Program manager — appointment — duties.**

10 1. The ~~administrator~~ director of the department of homeland  
11 security and emergency management ~~division of the department~~  
12 ~~of public defense~~ shall appoint an E911 program manager to  
13 administer this chapter.

14 2. The E911 program manager shall act under the supervisory  
15 control of the ~~administrator~~ director of the department of  
16 homeland security and emergency management ~~division of the~~  
17 ~~department of public defense~~, and in consultation with the  
18 E911 communications council, and shall perform the duties  
19 specifically set forth in this chapter and as assigned by the  
20 ~~administrator~~ director.

21 Sec. 34. Section 34A.6, subsection 3, Code 2013, is amended  
22 to read as follows:

23 3. The secretary of state, in consultation with the  
24 ~~administrator~~ director, shall adopt rules for the conduct of  
25 joint E911 service referendums as required by and consistent  
26 with subsections 1 and 2.

27 Sec. 35. Section 34A.7A, subsection 1, paragraph a, Code  
28 2013, is amended to read as follows:

29 a. Notwithstanding section 34A.6, the ~~administrator~~  
30 director shall adopt by rule a monthly surcharge of up  
31 to sixty-five cents to be imposed on each communications  
32 service number provided in this state. The surcharge shall  
33 be imposed uniformly on a statewide basis and simultaneously  
34 on all communications service numbers as provided by rule  
35 of the ~~administrator~~ director. The surcharge shall not be

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1 imposed on wire-line-based communications or prepaid wireless  
2 telecommunications service.

3 Sec. 36. Section 34A.7A, subsection 2, paragraphs a and f,  
4 Code 2013, are amended to read as follows:

5 a. An amount as appropriated by the general assembly to the  
6 ~~administrator~~ director shall be allocated to the ~~administrator~~  
7 director and program manager for implementation, support, and  
8 maintenance of the functions of the ~~administrator~~ director and  
9 program manager and to employ the auditor of state to perform  
10 an annual audit of the E911 emergency communications fund.

11 f. The ~~administrator~~ director, in consultation with the  
12 program manager and the E911 communications council, shall  
13 adopt rules pursuant to chapter 17A governing the distribution  
14 of the surcharge collected and distributed pursuant to this  
15 subsection. The rules shall include provisions that all joint  
16 E911 service boards and the department of public safety which  
17 answer or service wireless E911 calls are eligible to receive  
18 an equitable portion of the receipts.

19 Sec. 37. Section 34A.15, subsection 3, Code 2013, is amended  
20 to read as follows:

21 3. The council shall advise and make recommendations to  
22 the ~~administrator~~ director and program manager regarding  
23 the implementation of this chapter. Such advice and  
24 recommendations shall be provided on issues at the request of  
25 the ~~administrator~~ director or program manager or as deemed  
26 necessary by the council.

27 Sec. 38. Section 34A.20, subsection 2, Code 2013, is amended  
28 to read as follows:

29 2. The authority shall cooperate with the ~~administrator~~  
30 director in the creation, administration, and funding of the  
31 E911 program established in subchapter I.

32 Sec. 39. Section 35A.5, subsection 16, Code 2013, is amended  
33 to read as follows:

34 16. In coordination with the ~~military division of the~~  
35 department of public defense, advise service members prior to,

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1 and after returning from, deployment on active duty service  
2 outside the United States of issues related to the filing  
3 of tax returns and the payment of taxes due and encourage a  
4 service member who has not filed a return or who owes taxes to  
5 contact the department of revenue prior to deployment.

6 Sec. 40. Section 68B.2, subsection 23, Code 2013, is amended  
7 to read as follows:

8 23. "*Regulatory agency*" means the department of agriculture  
9 and land stewardship, department of workforce development,  
10 department of commerce, Iowa department of public health,  
11 department of public safety, department of education, state  
12 board of regents, department of human services, department of  
13 revenue, department of inspections and appeals, department of  
14 administrative services, public employment relations board,  
15 state department of transportation, civil rights commission,  
16 department of public defense, department of homeland security  
17 and emergency management, Iowa ethics and campaign disclosure  
18 board, and department of natural resources.

19 Sec. 41. Section 80.28, subsection 2, paragraph a,  
20 subparagraph (3), Code 2013, is amended to read as follows:

21 (3) One member representing the department of homeland  
22 security and emergency management ~~division~~.

23 Sec. 42. Section 80B.11C, Code 2013, is amended to read as  
24 follows:

25 **80B.11C Telecommunicator training standards.**

26 The director of the academy, subject to the approval of  
27 the council, in consultation with the Iowa state sheriffs'  
28 and deputies' association, the Iowa police executive forum,  
29 the Iowa peace officers association, the Iowa state police  
30 association, the Iowa professional fire fighters, the Iowa  
31 emergency medical services association, the joint council of  
32 Iowa fire service organizations, the Iowa department of public  
33 safety, the Iowa chapter of the association of public-safety  
34 communications officials—international, inc., the Iowa chapter  
35 of the national emergency number association, the department of

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1 homeland security and emergency management ~~division of the Iowa~~  
2 ~~department of public defense~~, and the Iowa department of public  
3 health, shall adopt rules pursuant to chapter 17A establishing  
4 minimum standards for training of telecommunicators. For  
5 purposes of this section, "telecommunicator" means a person who  
6 receives requests for, or dispatches requests to, emergency  
7 response agencies which include, but are not limited to, law  
8 enforcement, fire, rescue, and emergency medical services  
9 agencies.

10 Sec. 43. Section 97B.49B, subsection 1, paragraph e,  
11 subparagraph (8), Code 2013, is amended to read as follows:

12 (8) An airport fire fighter employed by the military  
13 ~~division of the~~ department of public defense.

14 Sec. 44. Section 100B.22, subsection 1, paragraph a, Code  
15 2013, is amended to read as follows:

16 a. Regional emergency response training centers shall be  
17 established to provide training to fire fighters and other  
18 emergency responders. The lead public agency for the training  
19 centers shall be the following community colleges for the  
20 following merged areas:

21 (1) Northeast Iowa community college for merged area I  
22 in partnership with the Dubuque county firemen's association  
23 and to provide advanced training in agricultural emergency  
24 response as such advanced training is funded by the department  
25 of homeland security and emergency management ~~division of the~~  
26 ~~department of public defense~~.

27 (2) North Iowa area community college for merged area II in  
28 partnership with the Mason City fire department.

29 (3) Iowa lakes community college for merged area III and  
30 northwest Iowa community college for merged area IV.

31 (4) Iowa central community college for merged area V and to  
32 provide advanced training in homeland security as such advanced  
33 training is funded by the department of homeland security and  
34 emergency management ~~division of the department of public~~  
35 ~~defense~~.

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1       (5) Hawkeye community college for merged area VII in  
2 partnership with the Waterloo regional hazardous materials  
3 training center and to provide advanced training in hazardous  
4 materials emergency response as such advanced training is  
5 funded by the department of homeland security and emergency  
6 management ~~division of the department of public defense.~~

7       (6) Eastern Iowa community college for merged area IX in  
8 partnership with the city of Davenport fire department.

9       (7) Kirkwood community college for merged area X in  
10 partnership with the city of Coralville fire department and the  
11 Iowa City fire department and to provide advanced training in  
12 agricultural terrorism response and mass casualty and fatality  
13 response as such advanced training is funded by the department  
14 of homeland security and emergency management ~~division of the~~  
15 ~~department of public defense.~~

16       (8) Des Moines area community college for merged area XI and  
17 Iowa valley community college for merged area VI and to provide  
18 advanced training in operations integration in compliance  
19 with the national incident management system as such advanced  
20 training is funded by the department of homeland security and  
21 emergency management ~~division of the department of public~~  
22 ~~defense.~~

23       (9) Western Iowa technical community college for merged  
24 area XII in partnership with the Sioux City fire department  
25 and to provide advanced training in emergency responder  
26 communications as such advanced training is funded by the  
27 department of homeland security and emergency management  
28 ~~division of the department of public defense.~~

29       (10) Iowa western community college for merged areas XIII  
30 and XIV in partnership with southwestern community college and  
31 the Council Bluffs fire department.

32       (11) Southeastern Iowa community college for merged areas  
33 XV and XVI in partnership with Indian hills community college  
34 and the city of Fort Madison fire department.

35       Sec. 45. Section 135.141, subsection 2, paragraphs a and j,

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1 Code 2013, are amended to read as follows:

2     a. Coordinate with the department of homeland security  
3 and emergency management ~~division of the department of public~~  
4 ~~defense~~ the administration of emergency planning matters  
5 which involve the public health, including development,  
6 administration, and execution of the public health components  
7 of the comprehensive emergency plan and emergency management  
8 program pursuant to section 29C.8.

9     j. Adopt rules pursuant to chapter 17A for the  
10 administration of this division of this chapter including rules  
11 adopted in cooperation with the Iowa pharmacy association  
12 and the Iowa hospital association for the development of a  
13 surveillance system to monitor supplies of drugs, antidotes,  
14 and vaccines to assist in detecting a potential public health  
15 disaster. Prior to adoption, the rules shall be approved by  
16 the state board of health and the ~~administrator~~ director of  
17 the department of homeland security and emergency management  
18 ~~division of the department of public defense~~.

19     Sec. 46. Section 135.145, subsections 1 and 2, Code 2013,  
20 are amended to read as follows:

21     1. When the department of public safety or other federal,  
22 state, or local law enforcement agency learns of a case of a  
23 disease or health condition, unusual cluster, or a suspicious  
24 event that may be the cause of a public health disaster, the  
25 department or agency shall immediately notify the department,  
26 the ~~administrator~~ director of the department of homeland  
27 security and emergency management ~~division of the department~~  
28 ~~of public defense~~, the department of agriculture and land  
29 stewardship, and the department of natural resources as  
30 appropriate.

31     2. When the department learns of a case of a disease  
32 or health condition, an unusual cluster, or a suspicious  
33 event that may be the cause of a public health disaster, the  
34 department shall immediately notify the department of public  
35 safety, the department of homeland security and emergency

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1 management ~~division of the department of public defense~~, and  
2 other appropriate federal, state, and local agencies and  
3 officials.

4 Sec. 47. Section 163.3A, subsection 2, Code 2013, is amended  
5 to read as follows:

6 2. The services shall be performed under the direction of  
7 the department and may be part of measures authorized by the  
8 governor under a declaration or proclamation issued pursuant to  
9 chapter 29C. In such case, the department shall cooperate with  
10 the Iowa department of public health under chapter 135, and the  
11 department of ~~public defense~~, homeland security and emergency  
12 management ~~division~~, and local emergency management agencies as  
13 provided in chapter 29C.

14 Sec. 48. Section 163.51, subsection 2, paragraph b, Code  
15 2013, is amended to read as follows:

16 b. If the department confirms an outbreak of foot and  
17 mouth disease in this state, the department shall cooperate  
18 with the governor; federal agencies, including the United  
19 States department of agriculture; and state agencies, including  
20 the department of homeland security and emergency management  
21 ~~division of the department of public defense~~, in order to  
22 provide the public with timely and accurate information  
23 regarding the outbreak. The department shall cooperate with  
24 organizations representing agricultural producers in order to  
25 provide all necessary information to agricultural producers  
26 required to control the outbreak.

27 Sec. 49. Section 305.8, subsection 1, paragraph b, Code  
28 2013, is amended to read as follows:

29 b. In consultation with the department of homeland security  
30 and emergency management ~~division of the department of public~~  
31 ~~defense~~, establish policies, standards, and guidelines for  
32 the identification, protection, and preservation of records  
33 essential for the continuity or reestablishment of governmental  
34 functions in the event of an emergency arising from a natural  
35 or other disaster.

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1 Sec. 50. Section 418.1, subsection 3, Code 2013, is amended  
2 to read as follows:

3 3. ~~"Division"~~ "Department" means the department of homeland  
4 security and emergency management ~~division of the department~~  
5 ~~of public defense.~~

6 Sec. 51. Section 418.5, subsection 1, Code 2013, is amended  
7 to read as follows:

8 1. The flood mitigation board is established consisting of  
9 nine voting members and four ex officio, nonvoting members, and  
10 is located for administrative purposes within the division.  
11 The ~~administrator~~ director of the ~~division~~ department shall  
12 provide office space, staff assistance, and necessary supplies  
13 and equipment for the board. The ~~administrator~~ director shall  
14 budget funds to pay the necessary expenses of the board. In  
15 performing its functions, the board is performing a public  
16 function on behalf of the state and is a public instrumentality  
17 of the state.

18 Sec. 52. Section 418.5, subsection 2, paragraph e, Code  
19 2013, is amended to read as follows:

20 e. The ~~administrator~~ director of the ~~division~~ department or  
21 the ~~administrator's~~ director's designee.

22 Sec. 53. Section 418.7, Code 2013, is amended to read as  
23 follows:

24 **418.7 ~~Division~~ Department duties.**

25 The ~~division~~ department, subject to approval by the board,  
26 shall adopt administrative rules pursuant to chapter 17A  
27 necessary to administer the flood mitigation program. The  
28 ~~division~~ department shall provide the board with assistance in  
29 implementing administrative functions and providing technical  
30 assistance and application assistance to applicants under the  
31 program.

32 Sec. 54. Section 418.8, subsection 1, Code 2013, is amended  
33 to read as follows:

34 1. The board shall establish and the ~~division~~ department,  
35 subject to direction and approval by the board, shall

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1 administer a flood mitigation program to assist governmental  
2 entities in undertaking projects approved under this chapter.  
3 The flood mitigation program shall include projects approved  
4 by the board to utilize either financial assistance from  
5 the flood mitigation fund created under section 418.10 or  
6 sales tax revenues remitted to the governmental entity under  
7 section 418.12. A governmental entity shall not be approved  
8 by the board to utilize both financial assistance from the  
9 flood mitigation fund and sales tax revenues remitted to the  
10 governmental entity.

11 Sec. 55. Section 418.9, subsections 4 and 7, Code 2013, are  
12 amended to read as follows:

13 4. Upon review of the applications, the board, following  
14 consultation with the economic development authority, shall  
15 approve, defer, or deny the applications. If a project plan  
16 is denied, the board shall state the reasons for the denial  
17 and the governmental entity may resubmit the application so  
18 long as the application is filed on or before January 1, 2016.  
19 If a project plan application is approved, the board shall  
20 specify whether the governmental entity is approved for the  
21 use of sales tax revenues under section 418.12 or whether the  
22 governmental entity is approved to receive financial assistance  
23 from the flood mitigation fund under section 418.10. If  
24 the board approves a project plan application that includes  
25 financial assistance from the flood mitigation fund, the  
26 board shall negotiate and execute on behalf of the ~~division~~  
27 department all necessary agreements to provide such financial  
28 assistance. If the board approves a project plan application  
29 that includes the use of sales tax increment revenues, the  
30 board shall establish the annual maximum amount of such  
31 revenues that may be remitted to the governmental entity  
32 not to exceed the limitations in section 418.12, subsection  
33 4. The board may, however, establish remittance limitations  
34 for the project lower than the individual project remittance  
35 limitations specified for projects under section 418.12,

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1 subsection 4.

2 7. Upon approval of an application for financial assistance  
3 under the program, the board shall notify the treasurer of  
4 state regarding the amount of moneys needed to satisfy the  
5 award of financial assistance and the terms of the award.  
6 The treasurer of state shall notify the ~~division~~ department  
7 any time moneys are disbursed to a recipient of financial  
8 assistance under the program.

9 Sec. 56. Section 455B.266, subsection 1, paragraph d, Code  
10 2013, is amended to read as follows:

11 d. Determination by the department in conjunction with  
12 the department of homeland security and emergency management  
13 ~~division of the department of public defense~~ of a local crisis  
14 which affects availability of water.

15 Sec. 57. Section 455B.385, Code 2013, is amended to read as  
16 follows:

17 **455B.385 State hazardous condition contingency plan.**

18 All public agencies, as defined in chapter 28E, shall  
19 cooperate in the development and implementation of a state  
20 hazardous condition contingency plan. The plan shall detail  
21 the manner in which public agencies shall participate in the  
22 response to a hazardous condition. The director may enter  
23 into agreements, with approval of the commission, with any  
24 state agency or unit of local government or with the federal  
25 government, as necessary to develop and implement the plan.  
26 The plan shall be coordinated with the department of homeland  
27 security and emergency management ~~division of the department~~  
28 ~~of public defense~~ and any joint emergency management agencies  
29 established pursuant to chapter 29C.

30 Sec. 58. Section 466B.3, subsection 4, paragraph d, Code  
31 2013, is amended to read as follows:

32 d. The ~~administrator~~ director of the department of homeland  
33 security and emergency management ~~division of the department of~~  
34 ~~public defense~~ or the ~~administrator's~~ director's designee.

35 Sec. 59. REPEAL. Sections 29.2, 29.3, and 29C.7, Code 2013,

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1 are repealed.

2 Sec. 60. TRANSITION PROVISIONS.

3 1. Any rule, regulation, form, order, or directive  
4 promulgated by the division of homeland security and  
5 emergency management of the department of public defense shall  
6 continue in full force and effect until amended, repealed,  
7 or supplemented by affirmative action of the department of  
8 homeland security and emergency management as established in  
9 this Act.

10 2. All employees of the division of homeland security and  
11 emergency management of the department of public defense shall  
12 be considered employees of the department of homeland security  
13 and emergency management upon the elimination of the former and  
14 creation of the latter as provided in this Act.

15 EXPLANATION

16 Currently, the department of public defense is composed  
17 of the military division and the homeland security and  
18 emergency management division. This bill transfers the  
19 homeland security and emergency management division of the  
20 department of public defense into a new department of homeland  
21 security and emergency management. The bill retains within the  
22 department of public defense responsibility over the office of  
23 the adjutant general and the military forces of the state of  
24 Iowa. The bill provides that the governor appoint the director  
25 of the new department. Current duties and responsibilities  
26 of the homeland security and emergency management division  
27 are transferred to the new department of homeland security  
28 and emergency management. In addition, the bill transfers  
29 the attachment of the Iowa emergency response commission  
30 for routine administrative support from the department of  
31 public defense to the new department of homeland security and  
32 emergency management.

33 The bill also includes transition provisions relative to  
34 the establishment of the department of homeland security  
35 and emergency management. The bill provides that any rule,

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1 regulation, form, order, or directive promulgated by the  
2 division of homeland security and emergency management of the  
3 department of public defense shall continue unless modified or  
4 otherwise changed by the new department. The bill provides  
5 that employees of the division of homeland security and  
6 emergency management of the department shall be considered  
7 employees of the department of homeland security and emergency  
8 management.



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House File 308 - Introduced

HOUSE FILE 308  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 116)

A BILL FOR

1 An Act modifying certain duties of the county commissioner of  
2 elections and voter registration deadlines.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 47.2, subsection 5, Code 2013, is amended  
2 to read as follows:

3 5. The office of county auditor or county commissioner  
4 of elections in each county shall be open for at least eight  
5 hours on the Saturday preceding a ~~general election~~, primary  
6 ~~election~~, and on the two Saturdays preceding a general election  
7 or special election called by the governor for the purpose  
8 of receiving absentee ballots and conducting other official  
9 business relating to the election.

10 Sec. 2. Section 48A.9, subsection 1, Code 2013, is amended  
11 to read as follows:

12 1. Registration closes at 5:00 p.m. eleven days before each  
13 election ~~except primary and general elections. For primary and~~  
14 ~~general elections, registration closes at 5:00 p.m. ten days~~  
15 ~~before the election.~~ An eligible elector may register during  
16 the time registration is closed in the elector's precinct but  
17 the registration shall not become effective until registration  
18 opens again in the elector's precinct, except as otherwise  
19 provided in section 48A.7A.

20 Sec. 3. Section 48A.27, subsection 4, paragraph c,  
21 subparagraph (2), Code 2013, is amended to read as follows:

22 (2) The notice shall contain a statement in substantially  
23 the following form:

24 Information received from the United States postal service  
25 indicates that you are no longer a resident of, and therefore  
26 not eligible to vote in (name of county) County, Iowa. If this  
27 information is not correct, and you still live in (name of  
28 county) County, please complete and mail the attached postage  
29 paid card at least ~~ten days before the primary or general~~  
30 ~~election and at least~~ eleven days before any ~~other~~ election at  
31 which you wish to vote. If the information is correct and you  
32 have moved, please contact a local official in your new area  
33 for assistance in registering there. If you do not mail in  
34 the card, you may be required to show identification before  
35 being allowed to vote in (name of county) County. If you do not

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1 return the card, and you do not vote in an election in (name  
2 of county) County, Iowa, on or before (date of second general  
3 election following the date of the notice) your name will be  
4 removed from the list of voters in that county.

5 Sec. 4. Section 48A.29, subsection 1, paragraph b, Code  
6 2013, is amended to read as follows:

7 b. The notice shall contain a statement in substantially the  
8 following form:

9 Information received from the United States postal service  
10 indicates that you are no longer a resident of (residence  
11 address) in (name of county) County, Iowa. If this information  
12 is not correct, and you still live in (name of county) County,  
13 please complete and mail the attached postage paid card at  
14 ~~least ten days before the primary or general election and at~~  
15 ~~least~~ eleven days before any ~~other~~ election at which you wish  
16 to vote. If the information is correct, and you have moved,  
17 please contact a local official in your new area for assistance  
18 in registering there. If you do not mail in the card, you may  
19 be required to show identification before being allowed to vote  
20 in (name of county) County. If you do not return the card, and  
21 you do not vote in some election in (name of county) County,  
22 Iowa, on or before (date of second general election following  
23 the date of the notice) your name will be removed from the list  
24 of voters in that county.

25 Sec. 5. Section 48A.29, subsection 3, paragraph b, Code  
26 2013, is amended to read as follows:

27 b. The notice shall contain a statement in substantially the  
28 following form:

29 Information received by this office indicates that you are no  
30 longer a resident of (residence address) in (name of county)  
31 County, Iowa. If the information is not correct, and you still  
32 live at that address, please complete and mail the attached  
33 postage paid card at ~~least ten days before the primary or~~  
34 ~~general election and at least~~ eleven days before any ~~other~~  
35 election at which you wish to vote. If the information is

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1 correct, and you have moved within the county, you may update  
2 your registration by listing your new address on the card and  
3 mailing it back. If you have moved outside the county, please  
4 contact a local official in your new area for assistance in  
5 registering there. If you do not mail in the card, you may be  
6 required to show identification before being allowed to vote in  
7 (name of county) County. If you do not return the card, and you  
8 do not vote in some election in (name of county) County, Iowa,  
9 on or before (date of second general election following the  
10 date of the notice) your name will be removed from the list of  
11 registered voters in that county.

12 EXPLANATION

13 This bill modifies certain duties of the county commissioner  
14 of elections and voter registration deadlines. The bill  
15 requires the office of a county commissioner of elections to be  
16 open for at least eight hours on the two Saturdays preceding  
17 a general election. Under current law the requirement only  
18 extends to the Saturday before a general election. The bill  
19 further requires that voter registration closes at 5:00 p.m.  
20 11 days before all elections. The bill also makes conforming  
21 changes. Current law requires that voter registration for  
22 primary and general elections close at 5:00 p.m. 10 days before  
23 those elections.



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House Resolution 17 - Introduced

HOUSE RESOLUTION NO. 17

BY M. SMITH, OLDSON, H. MILLER, T. OLSON,  
RUNNING-MARQUARDT, RIDING, FORBES, KELLEY,  
HUNTER, MUHLBAUER, GAINES, STECKMAN, WOOD,  
JACOBY, PRICHARD, STAED, COHOON, LYKAM, LENSING,  
WESSEL-KROESCHELL, ABDUL-SAMAD, STUTSMAN, DUNKEL,  
ANDERSON, THEDE, LUNDBY, KEARNS, RUFF, THOMAS,  
HALL, OURTH, BEARINGER, WOLFE, KAJTAZOVIC, KRESSIG,  
WINCKLER, HEDDENS, T. TAYLOR, MASCHER, MCCARTHY,  
GASKILL, HANSON, DAWSON, ISENHART, KOESTER,  
GRASSLEY, LOFGREN, HEATON, and MURPHY

1 A Resolution honoring United States Senator Thomas  
2 Richard "Tom" Harkin for four decades of public  
3 service.

4 WHEREAS, Thomas Richard "Tom" Harkin was born in  
5 Cumming, Iowa, in 1939, one of six children born to  
6 an Iowa coal miner father and a Slovenian immigrant  
7 mother; and

8 WHEREAS, Senator Harkin graduated from Dowling  
9 High School, Iowa State University, and the Catholic  
10 University of America's Columbus School of Law; and

11 WHEREAS, Senator Harkin served in the United States  
12 Navy as an active-duty jet pilot from 1962 to 1967, and  
13 went on to serve in the reserves, retiring in 1989 with  
14 the rank of lieutenant commander; and

15 WHEREAS, Senator Harkin began his Congressional  
16 career in 1974, winning election to the House of  
17 Representatives, a seat which he held for the next  
18 decade; and

19 WHEREAS, in 1984 Senator Harkin was elected to the

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1 Senate, where he has continued his career in public  
2 service; and

3 WHEREAS, over four decades Senator Harkin has  
4 authored numerous laws that have improved the lives of  
5 Iowans and all people of the United States, working  
6 tirelessly in service to the young, the impoverished,  
7 and the disadvantaged; and

8 WHEREAS, Senator Harkin introduced the Americans  
9 with Disabilities Act into the Senate and shepherded  
10 the bill into enactment in 1990 — a bill which could  
11 be described as landmark legislation that prohibits  
12 discrimination based on disability, requires buildings  
13 and transportation to be wheelchair accessible, and  
14 requires workplace accommodations for people with  
15 disabilities; and

16 WHEREAS, Senator Harkin has worked to protect  
17 children throughout his career, including by protecting  
18 children from child labor and exploitation such as his  
19 recent efforts at exposing child labor conditions in  
20 cocoa production; and

21 WHEREAS, as past Chair of the Senate Agriculture  
22 Committee, Senator Harkin authored the last two  
23 farm bills which advance nutrition and conservation  
24 efforts and have aided Iowa in becoming a producer of  
25 agricultural products to the world; and

26 WHEREAS, Senator Harkin is the Chair of the Senate  
27 Committee on Health, Education, Labor, and Pensions,  
28 where he has sought improvement of the health,  
29 well-being, and financial security of all Iowans and  
30 the people of the United States; and

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1 WHEREAS, throughout his career, Senator Harkin has  
2 enjoyed the dedication and support of his wife, Ruth,  
3 and daughters, Amy and Jenny; NOW THEREFORE,

4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES,  
5 That the House of Representatives honors United States  
6 Senator Thomas Richard "Tom" Harkin for four decades of  
7 public service and achievement; and

8 BE IT FURTHER RESOLVED, That on the announcement of  
9 his retirement, the House of Representatives wishes the  
10 Senator, his wife, Ruth, and daughters, Amy and Jenny,  
11 the best in the years to come.

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House Study Bill 167 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON COMMERCE BILL BY  
CHAIRPERSON COWNIE)

A BILL FOR

1 An Act providing for a tax credit for the repayment of certain  
2 student loan debt and including applicability provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1     Section 1. NEW SECTION.   **261.114 Technology workers tax**  
2 **credit program.**  
3     1. For purposes of this section, unless the context  
4 otherwise requires:  
5     *a. "Commission"* means the college student aid commission.  
6     *b. "Eligible lender"* means the same as defined in section  
7 261.35.  
8     *c. "Program"* means the technology workers tax credit program  
9 established in this section.  
10    *d. "Program agreement"* means an agreement entered into  
11 between the commission and a technology worker pursuant to this  
12 section.  
13    *e. "Qualified student debt"* means the maximum amount of  
14 an eligible technology worker's student loan principal as  
15 determined pursuant to this section.  
16    *f. "Technology worker"* means a worker employed as a computer  
17 and information scientist, systems analyst, computer programmer  
18 or developer, or computer professional, or any skilled worker  
19 who performs any function related to information technology,  
20 including the study, design, development, implementation,  
21 support, or management of computer-based information systems.  
22    2. The commission shall establish and administer a  
23 technology workers tax credit program pursuant to this section.  
24 The purpose of the program is to reimburse eligible technology  
25 workers, or employers of such workers, for the amount of  
26 qualified student debt borrowed and repaid in order to attend a  
27 postsecondary institution.  
28    3. The commission shall coordinate with postsecondary  
29 institutions, technology workers, eligible lenders, and the  
30 department of revenue in the administration of this program.  
31    4. The commission shall enter into a program agreement with  
32 an eligible technology worker residing and working in Iowa who  
33 wishes to participate in the program. As part of the program  
34 agreement, the technology worker shall covenant and agree to  
35 the following:

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- 1     *a.* That the person is or will become an Iowa resident and  
2 will remain an Iowa resident for the entirety of each tax year  
3 for which the person wishes to claim a tax credit under the  
4 program. A person not meeting the residency requirements of  
5 this paragraph is not eligible to claim a tax credit.
- 6     *b.* That the person was enrolled in a program of study at a  
7 postsecondary institution and has qualified student debt.
- 8     *c.* To keep all necessary financial and educational records  
9 relating to the degree pursued and the qualified student debt  
10 incurred for a period of not less than three years after the  
11 last tax year in which a tax credit under the program is  
12 claimed.
- 13    *d.* That only repayment of qualified student debt is eligible  
14 to be claimed as a tax credit under the program.
- 15    *e.* That any acceleration in the repayment schedule of the  
16 qualified student debt will result in a forfeiture of the tax  
17 credit in that tax year and all subsequent tax years.
- 18    *f.* To refinance the loans comprising qualified student debt  
19 only if the loans remain separate from all other debt and if  
20 both annual repayments and the total remaining indebtedness  
21 under the loan's amortization schedule will be reduced by such  
22 refinancing.
- 23    5. A technology worker shall not enter into more than one  
24 program agreement or claim the tax credit available under the  
25 program more than once.
- 26    6. *a.* After entering into a program agreement with an  
27 eligible technology worker, and before a tax credit certificate  
28 is issued, the commission shall request the postsecondary  
29 institution in which the technology worker was enrolled to  
30 verify the technology worker's enrollment at the institution  
31 and to certify to the commission the technology worker's amount  
32 of qualified student debt.
- 33    *b.* The program agreement shall terminate if the commission  
34 is unable to verify the technology worker's enrollment at a  
35 postsecondary institution or unable to certify the amount of



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1 the technology worker's qualified student debt.

2 7. a. An eligible technology worker's qualified student  
3 debt shall be the total amount of principal borrowed from an  
4 eligible lender for purposes of paying the amount of tuition  
5 and mandatory fees required in order to obtain a degree from a  
6 postsecondary institution.

7 b. Only loans included as part of a financial aid package  
8 awarded to the eligible technology worker by a postsecondary  
9 institution shall be included in the amount of qualified  
10 student debt determined pursuant to this subsection.

11 8. After verifying whether the technology worker qualifies  
12 for the program and after certifying the amount of qualified  
13 student debt, the commission shall issue to the technology  
14 worker a tax credit certificate which shall contain the  
15 technology worker's name, address, tax identification number,  
16 the amount of the tax credit, and any other information  
17 required by the department of revenue.

18 9. a. (1) A technology workers tax credit shall be allowed  
19 against the taxes imposed in chapter 422, divisions II, III,  
20 and V, and in chapter 432, and against the moneys and credits  
21 tax imposed in section 533.329, for the repayment of qualified  
22 student debt.

23 (2) An individual may claim the tax credit under this  
24 section of a partnership, limited liability company, S  
25 corporation, estate, or trust electing to have income taxed  
26 directly to the individual. The amount claimed by the  
27 individual shall be based upon the pro rata share of the  
28 individual's earnings from the partnership, limited liability  
29 company, S corporation, estate, or trust.

30 b. (1) An employer may claim a tax credit under this  
31 section for payments made directly to an eligible lender on  
32 behalf of a technology worker who has been issued a tax credit  
33 certificate pursuant to this subsection.

34 (2) The employer may claim the tax credit in an amount  
35 equal to the payments made by the employer of qualified student

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1 debt that came due during the technology worker's period of  
2 employment with the employer.

3 (3) The employer may require a person to provide a copy of  
4 the program agreement and a copy of the tax credit certificate  
5 issued pursuant to this section in order to verify that a  
6 person is an eligible technology worker with qualified student  
7 debt.

8 (4) The employer claiming a tax credit under the program  
9 shall retain all relevant records for at least three tax years  
10 following the last tax year in which the tax credit is claimed.

11 c. A technology worker and the technology worker's employer  
12 may both claim tax credits for payments of qualified student  
13 debt made in the same year, but the same payment of qualified  
14 student debt shall not be claimed by more than one taxpayer.

15 d. A technology worker and the technology worker's employer  
16 shall receive a credit for the amount of qualified student debt  
17 repaid by the employer or technology worker up to a combined  
18 amount of one thousand dollars each year for a maximum of five  
19 years.

20 e. Any tax credit in excess of the taxpayer's liability  
21 for the tax year is not refundable but may be credited to the  
22 tax liability for the following five years or until depleted,  
23 whichever is earlier. A tax credit shall not be carried back  
24 to a tax year prior to the tax year in which the taxpayer first  
25 receives the tax credit.

26 f. A technology worker or employer may claim the tax credit  
27 only if the technology worker is in compliance with the program  
28 agreement, and the technology worker is not in arrears on the  
29 repayment schedule for the qualified student debt.

30 10. a. (1) To claim the technology workers tax credit,  
31 a technology worker shall attach the tax credit certificate  
32 issued by the commission to the taxpayer's tax return.

33 (2) To claim the technology workers tax credit for payments  
34 made on behalf of a technology worker, a taxpayer shall attach  
35 a copy of the tax credit certificate issued to the technology

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1 worker along with any information required by the department of  
2 revenue pertaining to the payments made to an eligible lender.

3     **b.** The tax credit certificate attached to the taxpayer's  
4 tax return shall expire on or after the last day of the taxable  
5 year for which the taxpayer is claiming the tax credit and show  
6 a tax credit amount equal to or greater than the tax credit  
7 claimed on the taxpayer's tax return.

8     **c.** The tax credit certificate, unless rescinded by the  
9 commission, shall be accepted by the department of revenue as  
10 payment for taxes imposed pursuant to chapter 422, divisions  
11 II, III, and V, and in chapter 432, and for the moneys and  
12 credits tax imposed in 533.329, subject to any conditions or  
13 restrictions placed by the commission upon the face of the  
14 tax credit certificate and subject to the limitations of this  
15 section.

16     11. Except as otherwise provided in this section, a tax  
17 credit certificate is not transferable to any person or entity.

18     12. An eligible technology worker who exercises the  
19 forbearance or deferment provisions of a student loan agreement  
20 that comprises a portion of the technology worker's qualified  
21 student debt does not forfeit the right to claim the tax credit  
22 available under this section. The department of revenue shall  
23 toll the carryforward provisions of subsection 9, paragraph  
24 "e", for any worker exercising forbearance or deferment  
25 provisions.

26     13. **a.** The commission, in consultation with the department  
27 of revenue, shall adopt rules pursuant to chapter 17A for the  
28 implementation and administration of the program.

29     **b.** The department of revenue, in consultation with the  
30 commission, may adopt rules pursuant to chapter 17A for the  
31 implementation and administration of subsections 9 through 12.

32     **Sec. 2. NEW SECTION. 422.11R Technology workers tax credit.**

33     The taxes imposed under this division, less the credits  
34 allowed under section 422.12, shall be reduced by a technology  
35 workers tax credit authorized pursuant to section 261.114.

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1     Sec. 3. Section 422.33, Code 2013, is amended by adding the  
2 following new subsection:

3     NEW SUBSECTION. 30. The taxes imposed under this division  
4 shall be reduced by a technology workers tax credit authorized  
5 pursuant to section 261.114.

6     Sec. 4. Section 422.60, Code 2013, is amended by adding the  
7 following new subsection:

8     NEW SUBSECTION. 12. The taxes imposed under this division  
9 shall be reduced by a technology workers tax credit authorized  
10 pursuant to section 261.114.

11    Sec. 5. NEW SECTION. **432.12N Technology workers tax credit.**

12    The taxes imposed under this chapter shall be reduced by a  
13 technology workers tax credit authorized pursuant to section  
14 261.114.

15    Sec. 6. Section 533.329, subsection 2, Code 2013, is amended  
16 by adding the following new paragraph:

17    NEW PARAGRAPH. *k.* The moneys and credits tax imposed under  
18 this section shall be reduced by a technology workers tax  
19 credit authorized pursuant to section 261.114.

20    Sec. 7. APPLICABILITY. This Act applies to tax years  
21 beginning on or after January 1, 2014.

22                                   EXPLANATION

23    This bill provides for the establishment of a technology  
24 workers tax credit program to be administered by the college  
25 student aid commission and the department of revenue.

26    The purpose of the program is to provide a tax credit to  
27 eligible technology workers or to provide a tax credit to  
28 an eligible technology worker's employer for payments made  
29 toward the qualified student debt. For purposes of the bill,  
30 "qualified student debt" is the total amount of principal  
31 borrowed by the eligible technology worker to attend a  
32 postsecondary institution. Only those loans included as part  
33 of an eligible technology worker's financial aid package from  
34 a postsecondary institution may be included in the amount of  
35 qualified student debt.

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1 To be eligible for the program, a technology worker must be  
2 or become an Iowa resident and remain an Iowa resident for the  
3 entirety of any tax year in which the technology worker seeks  
4 to claim the tax credit available under the program. The bill  
5 defines a "technology worker" for purposes of the bill as a  
6 worker who is employed as a computer and information scientist,  
7 systems analyst, computer programmer or developer, or computer  
8 professional, or any skilled worker who performs any function  
9 related to information technology, including the study,  
10 design, development, implementation, support, or management of  
11 computer-based information systems. The eligible technology  
12 worker must enter into an agreement with the college student  
13 aid commission.

14 The commission is required to coordinate with postsecondary  
15 institutions, technology workers, eligible lenders, and the  
16 department of revenue in the administration of the program.  
17 Upon entering into a program agreement, the commission must  
18 request information from the postsecondary institution in  
19 which the technology worker was enrolled in order to verify  
20 that the technology worker was enrolled at the institution  
21 and to certify the amount of qualified student debt. Upon  
22 receiving this information, the commission must issue a tax  
23 credit certificate to an eligible technology worker. If the  
24 commission is unable to verify or certify the information, the  
25 agreement is terminated.

26 The technology worker may claim the repayment of qualified  
27 student debt as a credit against state income taxes and may  
28 carry the credit forward for up to five years. A technology  
29 worker and the technology worker's employer may receive a  
30 combined maximum tax credit amount of \$1,000 a year for up to  
31 five years.

32 An employer may claim the portion of the credit for payments  
33 made directly to eligible lenders on the technology worker's  
34 behalf to the extent that such payments are due under the terms  
35 of the loan during the eligible technology worker's period of

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1 employment with that employer. The credit is not refundable  
2 or transferable and may not be carried back to prior tax years  
3 but may be carried forward for the earlier of five years or  
4 until depleted. The credit is only available if the technology  
5 worker is in compliance with the agreement entered into with  
6 the college student aid commission, and is not in arrears on  
7 the repayment schedule for the qualified student debt.

8 The bill provides for rulemaking by both the college  
9 student aid commission and the department of revenue for the  
10 administration of the program.

11 The bill applies to tax years beginning on or after January  
12 1, 2014.



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House Study Bill 168 - Introduced

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
ECONOMIC GROWTH BILL BY  
CHAIRPERSON HANUSA)

A BILL FOR

1 An Act relating to the requirements and administration of the  
2 targeted jobs withholding credit pilot project and including  
3 applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2325HC (2) 85  
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1 Section 1. Section 403.19A, subsection 1, paragraphs c, e,  
2 f, and g, Code 2013, are amended to read as follows:

3 c. "*Employer*" means a business creating or retaining  
4 targeted jobs in ~~an urban renewal area of~~ a pilot project city  
5 pursuant to a withholding agreement.

6 e. "*Qualifying investment*" means a capital investment  
7 in real property including the purchase price of land and  
8 existing buildings, site preparation, building construction,  
9 and long-term lease costs. "*Qualifying investment*" also means a  
10 capital investment in depreciable assets. For purposes of this  
11 paragraph, "*long-term lease costs*" means those costs incurred or  
12 expected to be incurred under a lease during the duration of a  
13 withholding agreement.

14 f. "*Targeted job*" means a job in a business which is or  
15 will be located in ~~an urban renewal area of~~ a pilot project  
16 city that pays a wage at least equal to the countywide average  
17 wage. "*Targeted job*" includes new or retained jobs from Iowa  
18 business expansions or retentions within the city limits of the  
19 pilot project city and those jobs resulting from established  
20 out-of-state businesses, as defined by the economic development  
21 authority, moving to or expanding in Iowa.

22 g. "*Withholding agreement*" means the agreement between a  
23 pilot project city, the economic development authority, and  
24 an employer concerning the targeted jobs withholding credit  
25 authorized in subsection 3.

26 Sec. 2. Section 403.19A, subsection 1, Code 2013, is amended  
27 by adding the following new paragraph:

28 NEW PARAGRAPH. Of. "*Retained job*" means a full-time  
29 equivalent position in existence at the time an employer enters  
30 into a withholding agreement that remains continuously filled  
31 or authorized to be filled as soon as possible and that is  
32 at risk of elimination if the project for which the employer  
33 receives assistance under the withholding agreement does not  
34 proceed.

35 Sec. 3. Section 403.19A, subsection 3, paragraphs a, b, c,



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1 and f, Code 2013, are amended to read as follows:

2     a. A pilot project city may provide by ~~ordinance~~ resolution  
3 for the deposit into a designated ~~account in the special~~  
4 withholding project fund described in section 403.19,  
5 ~~subsection 2,~~ of the targeted jobs withholding credit described  
6 in this section. The targeted jobs withholding credit shall  
7 be based upon the wages paid to employees pursuant to a  
8 withholding agreement.

9     b. An amount equal to three percent of the gross wages paid  
10 by an employer to each employee under a withholding agreement  
11 shall be credited from the payment made by the employer  
12 pursuant to section 422.16. If the amount of the withholding  
13 by the employer is less than three percent of the gross wages  
14 paid to the employees covered by the withholding agreement,  
15 the employer shall receive a credit against other withholding  
16 taxes due by the employer or may carry the credit forward for  
17 up to ten years or until depleted, whichever is the earlier.  
18 The employer shall remit the amount of the credit quarterly,  
19 in the same manner as withholding payments are reported to  
20 the department of revenue, to the pilot project city to be  
21 allocated to and when collected paid into a designated ~~account~~  
22 in the special withholding project fund for the urban renewal  
23 area in which the targeted jobs are located project. All  
24 amounts so deposited shall be used or pledged by the pilot  
25 project city for ~~an urban renewal~~ a project related to the  
26 employer pursuant to the withholding agreement.

27     c. (1) The pilot project city and the economic development  
28 authority shall enter into a withholding agreement with each  
29 employer concerning the targeted jobs withholding credit. The  
30 withholding agreement shall provide for the total amount of  
31 withholding credits awarded, as negotiated by the economic  
32 development authority, the pilot project city, and the  
33 employer. An agreement shall not provide for an amount of  
34 withholding credits that exceeds the amount of the qualifying  
35 investment made in the project. An agreement shall not be



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1 entered into ~~by a pilot project city~~ with a business currently  
2 located in this state unless the business either creates or  
3 retains ten new jobs or makes a qualifying investment of at  
4 least five hundred thousand dollars within the ~~urban renewal~~  
5 area pilot project city. The withholding agreement may  
6 have a term of years negotiated by the economic development  
7 authority, the pilot project city, and the employer, of up  
8 to ten years. A withholding agreement specifying a term of  
9 years or a total amount of withholding credits shall terminate  
10 upon the expiration of the term of years specified in the  
11 agreement or upon the award of the total amount of withholding  
12 credits specified in the agreement, whichever occurs first. An  
13 employer shall not be obligated to enter into a withholding  
14 agreement. An agreement shall not be entered into with an  
15 employer not already located in a pilot project city when  
16 another Iowa community is competing for the same project and  
17 both the pilot project city and the other Iowa community are  
18 seeking assistance from the authority.

19 (2) The pilot project city and the economic development  
20 authority shall not enter into a withholding agreement after  
21 June 30, ~~2013~~ 2018.

22 (3) The employer, in conjunction with the pilot project  
23 city, shall provide on an annual basis to the economic  
24 development authority information documenting the total  
25 amount of payments and receipts under a withholding agreement,  
26 including all agreements with an employer to suspend, abate,  
27 exempt, rebate, refund, or reimburse property taxes, to provide  
28 a grant for property taxes paid or a grant not related to  
29 property taxes, or to make a direct payment of taxes, with  
30 moneys in the ~~special~~ withholding project fund. The economic  
31 development authority shall verify the information provided ~~by~~  
32 ~~the pilot project city~~ and determine whether the pilot project  
33 city and the employer are in compliance with this section and  
34 the rules adopted by the economic development authority to  
35 implement this section.



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1     (4) The economic development authority board, on behalf of  
2 the authority, shall have the authority to approve or deny a  
3 withholding agreement and according to the provisions of this  
4 section. Each withholding agreement, and the total amount of  
5 withholding credits allowed under the withholding agreement,  
6 shall be approved by the economic development authority board  
7 after taking into account the incentives or assistance received  
8 by or to be received by the employer under other economic  
9 development programs. The economic development authority  
10 board shall only deny an agreement if the agreement fails to  
11 meet the requirements of this paragraph "c" or the local match  
12 requirements in paragraph "j", or if an employer is not in good  
13 standing as to prior or existing agreements with the economic  
14 development authority. The authority shall have the authority  
15 to negotiate a withholding agreement and may suggest changes to  
16 an any of the terms of the agreement.

17     f. If the economic development authority, following an  
18 eighteen-month performance period beginning on the date the  
19 withholding agreement is approved by the authority board,  
20 determines that the employer ceases to meet the requirements  
21 of the withholding agreement relating to retaining jobs, if  
22 applicable, the agreement shall be terminated by the economic  
23 development authority and the pilot project city and any  
24 withholding credits for the benefit of the employer shall  
25 cease. However, in regard to the number of jobs that are to  
26 be created or retained, if the employer has met the number of  
27 jobs to be created or retained pursuant to the withholding  
28 agreement and subsequently the number of jobs falls below the  
29 required level, the employer shall not be considered as not  
30 meeting the job requirement until eighteen months after the  
31 date of the decrease in the number of jobs created or retained.  
32 If the economic development authority, following a three-year  
33 performance period beginning on the date the withholding  
34 agreement is approved by the authority board, determines  
35 that the employer has not or is incapable of meeting the

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1 requirements of the withholding agreement relating to creating  
2 jobs, if applicable, or the requirement of the withholding  
3 agreement relating to the qualifying investment prior to the  
4 end of the withholding agreement, the economic development  
5 authority may reduce the future benefits to the employer under  
6 the agreement or negotiate with the other parties to terminate  
7 the agreement early. Notice shall be provided promptly by  
8 the pilot project city to the department of revenue following  
9 termination of a withholding agreement.

10 Sec. 4. Section 403.19A, subsection 3, paragraph d,  
11 subparagraph (1), Code 2013, is amended to read as follows:

12 (1) A copy of the adopted local development agreement  
13 ~~plan of~~ between the pilot project city and the employer  
14 that outlines local incentives or assistance for the project  
15 using urban renewal or urban revitalization incentives, if  
16 applicable.

17 Sec. 5. Section 403.19A, subsection 3, Code 2013, is amended  
18 by adding the following new paragraph:

19 **NEW PARAGRAPH.** *Of.* Pursuant to rules adopted by the  
20 economic development authority, the pilot project city  
21 shall provide on an annual basis to the economic development  
22 authority information documenting the compliance of each  
23 employer with each requirement of the withholding agreement,  
24 including but not limited to the number of jobs created or  
25 retained and the amount of investment made by the employer.  
26 The economic development authority shall, in response to  
27 receiving such information from the pilot project city, assess  
28 the level of compliance by each employer and provide to the  
29 pilot project city recommendations for either maintaining  
30 employer compliance with the withholding agreement or  
31 terminating the agreement for noncompliance under paragraph  
32 "f". The economic development authority shall also provide each  
33 such assessment and recommendation report to the department of  
34 revenue.

35 Sec. 6. **APPLICABILITY.**



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1 1. Except as provided in subsection 2, this Act applies to  
2 withholding agreements entered into on or after the effective  
3 date of this Act and withholding agreements entered into by  
4 a pilot project city prior to the effective date of this Act  
5 shall be governed by section 403.19A, Code 2013.

6 2. The section of this Act enacting section 403.19A,  
7 subsection 3, paragraph "Of", applies to withholding agreements  
8 entered into prior to the effective date of this Act or entered  
9 into on or after the effective date of this Act.

10 EXPLANATION

11 This bill modifies the targeted jobs withholding tax credit  
12 program, which is a pilot program enacted in 2006 to allow  
13 the diversion of withholding funds paid by an employer to be  
14 matched by a designated pilot project city to create economic  
15 incentives that can be directed toward businesses located  
16 within urban renewal areas in the city pursuant to the terms of  
17 a withholding agreement with a business and after approval of  
18 the agreement by the Iowa economic development authority.

19 The bill removes the requirement that an employer that is a  
20 party to a withholding agreement with a pilot project city be  
21 located in an urban renewal area. The bill removes a similar  
22 requirement relating to the definition of targeted job. The  
23 bill makes corresponding changes to Code section 403.19A to  
24 reflect the removal of the urban renewal area requirement,  
25 including providing that the targeted jobs withholding credits  
26 be deposited in a withholding project fund rather than the  
27 special fund established for urban renewal purposes.

28 The bill allows a pilot project city to provide for the  
29 deposit of the amount of the targeted jobs withholding credit  
30 into the city's withholding project fund by resolution, rather  
31 than by ordinance.

32 The bill provides a definition of long-term lease costs as  
33 part of the definition of qualifying investment under the pilot  
34 program and provides a definition of retained job.

35 Under current law, a pilot project city may not enter into a

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1 withholding agreement after June 30, 2013. The bill adds the  
2 economic development authority to the list of required parties  
3 to a withholding agreement and prohibits a pilot project city  
4 and the economic development authority from entering into a  
5 withholding agreement after June 30, 2018. The bill specifies  
6 subject areas of a withholding agreement that may be negotiated  
7 by the parties and provides that a withholding agreement that  
8 specifies a term of years or a total amount of withholding  
9 credits shall terminate upon expiration of the term of years  
10 or upon the award of the total amount of withholding credits,  
11 whichever occurs first.

12 The bill requires the reporting of certain withholding  
13 agreement payment and receipt information by the employer,  
14 in conjunction with the pilot project city, and requires the  
15 economic development authority to verify such information and  
16 determine whether the pilot project city and the employer are  
17 in compliance with Code section 403.19A and rules adopted to  
18 implement that Code section.

19 The bill provides that the economic development authority  
20 board approves or denies a withholding agreement on behalf of  
21 the authority and specifies considerations to be made by the  
22 board in deciding whether to approve or deny a withholding  
23 agreement.

24 The bill establishes an 18-month performance period  
25 following which the economic development authority determines  
26 compliance with the job retention requirements of the  
27 withholding agreement, if applicable, establishes a three-year  
28 performance period following which the authority determines  
29 compliance with the job creation and investment requirements  
30 of the withholding agreement, and specifies the actions to  
31 be taken by the authority and the pilot project city after a  
32 determination of noncompliance.

33 Except as otherwise provided in the bill, the bill applies  
34 to withholding agreements entered into by a pilot project city  
35 on or after the effective date of the bill. The bill provides

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1 that withholding agreements entered into by a pilot project  
2 city prior to the effective date of the bill shall be governed  
3 by Code section 403.19A, Code 2013. However, the section of  
4 the bill enacting Code section 403.19A(3)(Of), relating to  
5 compliance reporting, applies to withholding agreements entered  
6 into prior to, on, or after the effective date of the bill.





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**Senate File 239 - Introduced**

SENATE FILE 239  
BY COMMITTEE ON TRANSPORTATION  
  
(SUCCESSOR TO SSB 1155)

**A BILL FOR**

1 An Act relating to the enforcement of weight limitations for  
2 vehicles with retractable axles.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1428SV (1) 85  
dea/nh



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S.F. 239

1 Section 1. Section 321.463, Code 2013, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 12A. *a.* A vehicle or combination of  
4 vehicles equipped with a retractable axle may raise the  
5 axle when necessary to negotiate a turn, provided that the  
6 retractable axle is lowered within one thousand feet following  
7 completion of the turn. This paragraph does not apply to a  
8 vehicle or combination of vehicles operated on an interstate  
9 highway, including a ramp to or from an interstate highway, or  
10 on a bridge.

11 *b.* A vehicle or combination of vehicles operated with a  
12 retractable axle raised as permitted under paragraph "*a*" is  
13 exempt from the weight limitations of this section as long as  
14 the vehicle or combination of vehicles is in compliance with  
15 the weight limitations of this section when the retractable  
16 axle is lowered.

17 *c.* This subsection does not prohibit the operation of a  
18 vehicle or combination of vehicles equipped with a retractable  
19 axle from operating with the retractable axle raised when the  
20 vehicle or combination of vehicles is in compliance with the  
21 weight limitations of this section with the retractable axle  
22 raised.

23 **EXPLANATION**

24 This bill allows a vehicle or combination of vehicles to  
25 raise a retractable axle when necessary to negotiate a turn,  
26 provided the retractable axle is lowered within one thousand  
27 feet of completing the turn. The vehicle or combination of  
28 vehicles is exempt from axle weight limitations while making  
29 the turn with a raised retractable axle, so long as the vehicle  
30 is in compliance when the retractable axle is lowered. The  
31 exemption does not apply on an interstate highway, including a  
32 ramp leading to or from the interstate, or on a bridge.

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**Senate File 240 - Introduced**

SENATE FILE 240  
BY COMMITTEE ON EDUCATION  
  
(SUCCESSOR TO SSB 1141)

**A BILL FOR**

1 An Act authorizing the college student aid commission to  
2 organize a nonprofit corporation to provide Iowans with  
3 postsecondary educational financial assistance.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1363SV (1) 85  
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S.F. 240

1 Section 1. NEW SECTION. 261.8 Corporation for educational  
2 financial assistance.

3 1. *Nonprofit corporation for receiving and disbursing*  
4 *funds.* The college student aid commission may organize a  
5 corporation under the provisions of chapter 504 that qualifies  
6 under section 501(c)(3) of the Internal Revenue Code as an  
7 organization exempt from taxation for the purpose of receiving  
8 and disbursing funds from public or private sources to be used  
9 to provide Iowans with educational financial assistance under  
10 programs administered by the commission. Unless otherwise  
11 provided in this section, the corporation is subject to the  
12 provisions of chapter 504.

13 2. *Incorporators.* The incorporators of the corporation  
14 organized pursuant to this section shall be the chairperson of  
15 the commission, the executive director of the commission, and  
16 a member of the commission selected by a majority vote of the  
17 commission.

18 3. *Board of directors.* The board of directors of the  
19 corporation organized pursuant to this section shall be the  
20 members of the commission appointed under section 261.1,  
21 subsection 2, paragraph "d", or their successors in office.

22 4. *Accepting grants in aid.* The corporation organized  
23 pursuant to this section may accept grants of money or property  
24 from the federal government or private sources and may upon  
25 its own order use its money, property, or other resources for  
26 purposes of providing educational financial assistance under  
27 programs administered by the commission.

28 5. *Open meetings and open records.* The corporation is  
29 subject to chapters 21 and 22.

30 6. *Status.* The corporation shall collaborate with the  
31 commission for the purposes specified in this section, but the  
32 corporation shall not be considered, in whole or in part, an  
33 agency, department, or administrative unit of the state. The  
34 corporation shall not receive appropriations from the general  
35 assembly. Except as provided in subsection 5, the corporation

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1 shall not be required to comply with any requirements that  
2 apply to a state agency, department, or administrative unit and  
3 shall not exercise any sovereign power of the state.

4 7. *No state liability.* The corporation does not have  
5 authority to pledge the credit of the state, and the state  
6 shall not be liable for the debts or obligations of the  
7 corporation. All debts and obligations of the corporation  
8 shall be payable solely from the corporation's funds.

9 8. *Tax deductible.* The corporation shall be established  
10 so that donations and bequests to it qualify as tax deductible  
11 under state income tax laws and under section 501(c)(3) of the  
12 Internal Revenue Code.

13 9. *Staffing and administrative support.* The commission  
14 shall provide staff assistance and administrative support to  
15 the corporation.

16 10. *Report.* The corporation shall submit by January 15  
17 annually a written report of its activities and operations to  
18 the governor, the general assembly, and the commission.

19 EXPLANATION

20 This bill authorizes the college student aid commission to  
21 organize a corporation under Iowa's revised Iowa nonprofit  
22 corporation Act that qualifies under section 501(c)(3) of  
23 the Internal Revenue Code as a tax-exempt organization. The  
24 corporation must be organized for the purpose of receiving and  
25 disbursing funds from public or private sources to be used to  
26 provide Iowans with educational financial assistance under  
27 programs administered by the college student aid commission in  
28 accordance with Code chapter 261.

29 The incorporators of the corporation shall be the  
30 chairperson of the commission, the executive director of the  
31 commission, and a member of the commission selected by a  
32 majority vote of the commission. The board of directors of  
33 the corporation shall be the eight members of the commission  
34 appointed by the governor or their successors in office.

35 The corporation may accept grants of money or property

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1 from the federal government or private sources and may upon  
2 its own order use its money, property, or other resources for  
3 purposes of providing educational financial assistance under  
4 programs administered by the college student aid commission in  
5 accordance with Code chapter 261.

6 The corporation is subject to the open meetings and open  
7 records laws in Code chapters 21 and 22, but the corporation  
8 shall not otherwise be required to comply with any requirements  
9 that apply to a state agency, department, or administrative  
10 unit and shall not exercise any sovereign power of the state.  
11 The corporation shall collaborate with the commission for the  
12 purposes specified in the bill, but shall not be considered an  
13 agency, department, or administrative unit of the state, nor  
14 shall it receive appropriations from the general assembly. The  
15 corporation shall be established so that donations and bequests  
16 to it qualify as tax deductible under federal and state income  
17 tax laws.

18 The corporation does not have authority to pledge the credit  
19 of the state, and the state shall not be liable for the debts or  
20 obligations of the corporation.

21 The commission shall provide staff assistance and  
22 administrative support to the corporation. The corporation  
23 shall submit a written report annually of its activities and  
24 operations to the governor, the general assembly, and the  
25 commission.



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**Senate Study Bill 1192 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON HOGG)

**A BILL FOR**

1 An Act relating to involuntary commitments for persons  
2 with substance-related disorders, mental illness, and  
3 intellectual disabilities, and providing for the creation  
4 of a mental health advocate division in the department  
5 of inspections and appeals and including effective date  
6 provisions.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1064SC (4) 85  
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S.F. \_\_\_\_\_

1 DIVISION I  
2 DEPARTMENTAL RESPONSIBILITY FOR MENTAL HEALTH ADVOCATES  
3 Section 1. NEW SECTION. 10A.901 Definitions.  
4 As used in this article, unless the context otherwise  
5 requires:  
6 1. "Administrator" means the person coordinating the  
7 administration of this division.  
8 2. "Division" means the mental health advocate division of  
9 the department of inspections and appeals.  
10 Sec. 2. NEW SECTION. 10A.902 Duties of administrator.  
11 The administrator shall coordinate the division's conduct  
12 of the mental health advocate program as provided by section  
13 229.19 and other applicable law. The administrator's duties  
14 may include but are not limited to all of the following:  
15 1. Recommending the hiring of persons to serve as mental  
16 health advocates and other division staff and identifying  
17 qualifications. The minimum qualifications for a mental health  
18 advocate whose initial appointment commences on or after July  
19 1, 2013, shall be a bachelor's degree from an accredited  
20 school, college, or university or related postsecondary  
21 education coursework in social science, education, nursing, or  
22 other related field and at least one year of work experience in  
23 mental health treatment.  
24 2. Training and supervising division staff.  
25 3. Providing and regularly updating a list of those persons  
26 qualified to serve as a mental health advocate for the service  
27 areas utilized by the mental health advocate program. If  
28 deemed to be prudent by the administrator in order to improve  
29 or maintain the quality of services, the administrator or the  
30 administrator's designee may petition the court to change the  
31 advocate appointed by the court or to transfer the venue of the  
32 appointment or the hospitalization proceeding as provided in  
33 section 229.44.  
34 4. Administering program additions and expansions,  
35 including providing advocate services for persons with a

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1 substance-related disorder and persons found not guilty  
2 by reason of insanity, if such additions or expansions are  
3 authorized and funded.

4 5. Developing and implementing a case weight system for use  
5 in appointing and compensating advocates.

6 6. Administering case reviews and audits.

7 Sec. 3. TRANSITION.

8 1. The department of inspections and appeals shall commence  
9 organizational activities during the fiscal year beginning July  
10 1, 2013, as necessary to fully implement this division and  
11 assume responsibility for mental health advocates as provided  
12 in this division and division II of this Act on July 1, 2014.

13 2. If necessary for the purposes of subsection 1, the  
14 department of inspections and appeals may adopt emergency  
15 rules under section 17A.4, subsection 3, and section 17A.5,  
16 subsection 2, paragraph "b", to implement the provisions of  
17 division II of this Act on July 1, 2014, and the rules shall  
18 be effective immediately upon filing unless a later date is  
19 specified in the rules. Any rules adopted in accordance with  
20 this section shall also be published as a notice of intended  
21 action as provided in section 17A.4.

22 DIVISION II

23 IMPLEMENTATION — MENTAL HEALTH ADVOCATES

24 Sec. 4. Section 225C.4, subsection 1, paragraph m, Code  
25 2013, is amended to read as follows:

26 *m.* Provide consultation and technical assistance to  
27 ~~patients'~~ mental health advocates appointed pursuant to  
28 section 229.19, in cooperation with the judicial branch and  
29 the department of inspections and appeals, and to the resident  
30 advocate committees appointed for health care facilities  
31 pursuant to section 135C.25.

32 Sec. 5. Section 226.31, Code 2013, is amended to read as  
33 follows:

34 **226.31 Examination by court — notice.**

35 Before granting the order authorized in section 226.30

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1 the court or judge shall investigate the allegations of the  
2 petition and before proceeding to a hearing on the allegations  
3 shall require notice to be served on the attorney who  
4 represented the patient in any prior proceedings under sections  
5 229.6 to 229.15 ~~or the~~ and to any mental health advocate  
6 appointed for the patient under section 229.19, or in the case  
7 of a patient who entered the hospital voluntarily, on any  
8 relative, friend, or guardian of the person in question of the  
9 filing of the application. At the hearing the court or judge  
10 shall appoint a guardian ad litem for the person, if the court  
11 or judge deems such action necessary to protect the rights  
12 of the person. The guardian ad litem shall be a practicing  
13 attorney.

14 Sec. 6. Section 229.2, subsection 1, paragraph b,  
15 subparagraph (6), Code 2013, is amended to read as follows:

16 (6) Upon approval of the admission of a minor over the  
17 minor's objections, the juvenile court shall appoint an  
18 individual to act as ~~an~~ the mental health advocate representing  
19 ~~the interests of~~ for the minor ~~in the same manner as an~~  
20 ~~advocate representing the interests of patients involuntarily~~  
21 ~~hospitalized pursuant to~~ in accordance with section 229.19.

22 Sec. 7. Section 229.9A, Code 2013, is amended to read as  
23 follows:

24 **229.9A Advocate Mental health advocate informed — hearings.**

25 The court shall direct the clerk to furnish the office  
26 of the mental health advocate of the respondent's county of  
27 legal settlement designated for the court by the department  
28 of inspections and appeals with a copy of application and any  
29 order issued pursuant to section 229.8, subsection 3. The  
30 mental health advocate designated for the court may attend  
31 ~~the hospitalization any court hearing of any involving the~~  
32 ~~respondent for whom the advocate has received notice of a~~  
33 ~~hospitalization hearing.~~

34 Sec. 8. Section 229.12, subsection 2, Code 2013, is amended  
35 to read as follows:

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1     2. All persons not necessary for the conduct of the  
2 proceeding shall be excluded, except that the court may admit  
3 persons having a legitimate interest in the proceeding and  
4 shall permit the mental health advocate from the respondent's  
5 county of legal settlement designated for the court by the  
6 department of inspections and appeals to attend the hearing.  
7 Upon motion of the county attorney, the judge may exclude  
8 the respondent from the hearing during the testimony of any  
9 particular witness if the judge determines that witness's  
10 testimony is likely to cause the respondent severe emotional  
11 trauma.

12     Sec. 9. Section 229.14A, subsection 1, Code 2013, is amended  
13 to read as follows:

14     1. With respect to a chief medical officer's report made  
15 pursuant to section 229.14, subsection 1, paragraph "b", "c",  
16 or "d", or any other provision of this chapter related to  
17 involuntary commitment for which the court issues a placement  
18 order or a transfer of placement is authorized, the court shall  
19 provide notice to the respondent, ~~and~~ the respondent's attorney  
20 ~~or~~, and any mental health advocate appointed for the respondent  
21 pursuant to section 229.19 concerning the placement order  
22 and the respondent's right to request a placement hearing to  
23 determine if the order for placement or transfer of placement  
24 is appropriate.

25     Sec. 10. Section 229.14A, subsection 5, paragraph c, Code  
26 2013, is amended to read as follows:

27     c. If the respondent's attorney has withdrawn ~~pursuant to~~  
28 ~~section 229.19~~, the court shall appoint an attorney for the  
29 respondent in the manner described in section 229.8, subsection  
30 1.

31     Sec. 11. Section 229.15, subsection 6, Code 2013, is amended  
32 to read as follows:

33     6. Upon receipt of any report required or authorized by  
34 this section the court shall furnish a copy to the patient's  
35 attorney, ~~or alternatively~~ and to the mental health advocate

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1 appointed ~~as required by section 229.19~~ for the patient. The  
2 court shall examine the report and take the action thereon  
3 which it deems appropriate. Should the court fail to receive  
4 any report required by this section or section 229.14 at the  
5 time the report is due, the court shall investigate the reason  
6 for the failure to report and take whatever action may be  
7 necessary in the matter.

8 Sec. 12. Section 229.19, Code 2013, is amended to read as  
9 follows:

10 **229.19 Advocates Mental health advocates — duties —**  
11 **compensation — state and county liability.**

12 1. a. ~~In each county with a population of three hundred~~  
13 ~~thousand or more inhabitants the board of supervisors shall~~  
14 ~~appoint an individual who has demonstrated by prior activities~~  
15 ~~an informed concern for the welfare and rehabilitation of~~  
16 ~~persons with mental illness, and who is not an officer or~~  
17 ~~employee of the department of human services nor of any agency~~  
18 ~~or facility providing care or treatment to persons with mental~~  
19 ~~illness, to act as an advocate representing the interests of~~  
20 ~~patients involuntarily hospitalized by the court, in any matter~~  
21 ~~relating to the patients' hospitalization or treatment under~~  
22 ~~section 229.14 or 229.15. In each county with a population of~~  
23 ~~under three hundred thousand inhabitants, the chief judge of~~  
24 ~~the judicial district encompassing the county shall appoint~~  
25 ~~the advocate. For the purposes of this section, "division"~~  
26 ~~means the mental health advocate division of the department of~~  
27 ~~inspections and appeals.~~

28 b. ~~The court or, if the advocate is appointed by the county~~  
29 ~~board of supervisors, the board shall assign the advocate~~  
30 ~~appointed from a patient's county of legal settlement to~~  
31 ~~represent the interests of the patient. If a patient has~~  
32 ~~no county of legal settlement, the court or, if the advocate~~  
33 ~~is appointed by the county board of supervisors, the board~~  
34 ~~shall assign the advocate appointed from the county where the~~  
35 ~~hospital or facility is located to represent the interests of~~

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1 ~~the patient.~~  
2 ~~c. The advocate's responsibility with respect to any patient~~  
3 ~~shall begin at whatever time the attorney employed or appointed~~  
4 ~~to represent that patient as respondent in hospitalization~~  
5 ~~proceedings, conducted under sections 229.6 to 229.13, reports~~  
6 ~~to the court that the attorney's services are no longer~~  
7 ~~required and requests the court's approval to withdraw as~~  
8 ~~counsel for that patient. However, if~~  
9 b. If the patient is found to be seriously mentally impaired  
10 at the hospitalization hearing, the attorney representing the  
11 patient shall automatically be relieved of responsibility in  
12 the case and an a mental health advocate shall be assigned to  
13 appointed for the patient at the conclusion of the hearing  
14 unless the attorney indicates an intent to continue the  
15 attorney's services and. The court shall appoint the advocate  
16 from a list of qualified persons provided to the court by the  
17 administrator of the division of mental health advocates of  
18 the department of inspections and appeals in accordance with  
19 section 10A.902. The advocate's responsibility with respect  
20 to a patient shall begin when the advocate is appointed for  
21 the patient. The attorney representing the patient shall  
22 automatically be relieved of responsibility at the conclusion  
23 of the hearing unless the attorney requests to continue  
24 representation and the court so directs authorizes the attorney  
25 to remain on the case. If the court directs the attorney to  
26 remain on the case, the attorney shall assume all the duties  
27 of an advocate cooperate with the advocate appointed for the  
28 patient. The clerk shall furnish the advocate with a copy of  
29 the court's order approving the withdrawal or continuation of  
30 the attorney and shall inform the patient of the name of the  
31 patient's advocate.  
32 ~~d. c.~~ c. With regard to each patient ~~whose interests the~~  
33 ~~for whom a mental health advocate is required to represent~~  
34 appointed pursuant to this section, the advocate's duties shall  
35 include all of the following:



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- 1 (1) To review each report submitted pursuant to sections  
2 229.14 and 229.15.
- 3 (2) ~~If the advocate is not an attorney, to~~ To advise the  
4 court at any time it appears that the services of an attorney  
5 are required to properly safeguard the patient's interests.
- 6 (3) To be readily accessible to communications from the  
7 patient and to originate communications with the patient within  
8 five days of the patient's commitment.
- 9 (4) To visit the patient within fifteen days of the  
10 patient's commitment and periodically thereafter.
- 11 (5) To communicate with medical personnel treating the  
12 patient and to review the patient's medical records pursuant  
13 to section 229.25.
- 14 (6) To file with the court and the division quarterly  
15 reports, and additional reports as the advocate feels necessary  
16 or as required by the court or the division, in a form  
17 prescribed by the court or the division, as applicable. The  
18 reports shall state what actions the advocate has taken with  
19 respect to each patient and the amount of time spent.
- 20 (7) To utilize the related best practices for the duties  
21 identified in this paragraph ~~"d"~~ "c" developed and promulgated  
22 by the judicial council.
- 23 ~~e.~~ d. ~~An~~ Subject to the availability of funding  
24 appropriated for this purpose, a mental health advocate may  
25 also be appointed pursuant to this section for an individual  
26 who has been diagnosed with a co-occurring mental illness and  
27 ~~substance-related~~ substance-related disorder.
- 28 2. The hospital or facility to which a patient is committed  
29 shall grant all reasonable requests of the patient's mental  
30 health advocate to visit the patient, to communicate with  
31 medical personnel treating the patient, and to review the  
32 patient's medical records pursuant to section 229.25. An  
33 advocate shall not disseminate information from a patient's  
34 medical records to any other person unless done for official  
35 purposes in connection with the advocate's duties pursuant to

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1 this chapter or when required by law.

2 3. ~~The court or, if the advocate is appointed by the county~~  
3 ~~board of supervisors, the board~~ division shall prescribe  
4 provide reasonable compensation for the services of the  
5 advocate in accordance with section 10A.902. ~~The compensation~~  
6 ~~shall be based upon the reports filed by the advocate with~~  
7 ~~the court. The advocate's compensation shall be paid by the~~  
8 ~~county in which the court is located, either on order of the~~  
9 ~~court or, if the advocate is appointed by the county board of~~  
10 ~~supervisors, on the direction of the board. If the advocate~~  
11 ~~is appointed by the court, the advocate is an employee of~~  
12 ~~the state for purposes of chapter 669. If the advocate is~~  
13 ~~appointed by the county board of supervisors, the advocate is~~  
14 ~~an employee of the county for purposes of chapter 670. If the~~  
15 ~~patient or the person who is legally liable for the patient's~~  
16 ~~support is not indigent, the board~~ division shall recover  
17 the costs of compensating the advocate from that person. ~~If~~  
18 ~~that person has an income level as determined pursuant to~~  
19 ~~section 815.9 greater than one hundred percent but not more~~  
20 ~~than one hundred fifty percent of the poverty guidelines,~~  
21 ~~at least one hundred dollars of the advocate's compensation~~  
22 ~~shall be recovered in the manner prescribed by the county~~  
23 ~~board of supervisors. If that person has an income level as~~  
24 ~~determined pursuant to section 815.9 greater than one hundred~~  
25 ~~fifty percent of the poverty guidelines, at least two hundred~~  
26 ~~dollars of the advocate's compensation shall be recovered in~~  
27 ~~substantially the same manner prescribed by the county board of~~  
28 ~~supervisors as provided in section 815.9.~~

29 Sec. 13. Section 229.25, subsection 1, paragraph a,  
30 subparagraph (1), Code 2013, is amended to read as follows:

31 (1) The information is requested by a licensed physician,  
32 attorney, or the mental health advocate who provides appointed  
33 for the person. The requester must provide the chief medical  
34 officer with a written waiver signed by the person about whom  
35 the information is sought.



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1     Sec. 14.   TRANSITION OF EMPLOYEE RIGHTS OF FORMER COUNTY  
2   EMPLOYEES.

3     1.   If appointed by the director of the department of  
4   inspections and appeals as a mental health advocate pursuant  
5   to section 10A.902, county employees paid for mental health  
6   advocate services under section 229.19 shall become employees  
7   of the department of inspections and appeals effective July  
8   1, 2014, and the department shall assume all costs associated  
9   with the functions of the employees on that date. Employees  
10   who were paid salaries by the counties immediately prior to  
11   becoming state employees as a result of this Act shall not  
12   forfeit accrued vacation, accrued sick leave, or benefits  
13   related to longevity of service, except as provided in this  
14   section.

15    2.   The department of inspections and appeals, after  
16   consulting with the department of administrative services,  
17   shall adopt rules to provide for the following:

18    a.   A person referred to in subsection 1 shall have to the  
19   person's credit as a state employee commencing on the date of  
20   becoming a state employee the number of accrued vacation days  
21   that was credited to the person as a county employee as of the  
22   end of the day prior to becoming a state employee.

23    b.   Each person referred to in subsection 1 shall have to  
24   the person's credit as a state employee commencing on the  
25   date of becoming a state employee the number of accrued days  
26   of sick leave that was credited to the person as a county  
27   employee as of the end of the day prior to becoming a state  
28   employee. However, the number of days of sick leave credited  
29   to a person under this subsection and eligible to be taken  
30   when sick or eligible to be received upon retirement shall not  
31   respectively exceed the maximum number of days, if any, or the  
32   maximum dollar amount as provided in section 70A.23 that state  
33   employees generally are entitled to accrue or receive according  
34   to rules in effect as of the date the person becomes a state  
35   employee.





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1 c. Commencing on the date of becoming a state employee, each  
2 person referred to in subsection 1 is entitled to claim the  
3 person's most recent continuous period of service in full-time  
4 county employment as full-time state employment for purposes  
5 of determining the number of days of vacation which the person  
6 is entitled to earn each year. The actual vacation benefit,  
7 including the limitation on the maximum accumulated vacation  
8 leave, shall be determined as provided in section 70A.1  
9 according to rules in effect for state employees of comparable  
10 longevity, irrespective of any greater or lesser benefit as a  
11 county employee.

12 3. Persons referred to in subsection 1 who were covered  
13 by county employee life insurance and accident and health  
14 insurance plans prior to becoming state employees in accordance  
15 with this section shall be permitted to apply prior to becoming  
16 state employees for life insurance and health and accident  
17 insurance plans that are available to state employees so that  
18 those persons do not suffer a lapse of insurance coverage as  
19 a result of this section. The department of inspections and  
20 appeals, after consulting with the department of administrative  
21 services, shall prescribe rules and distribute application  
22 forms and take other actions as necessary to enable those  
23 persons to elect to have insurance coverage that is in effect  
24 on the date of becoming state employees. The actual insurance  
25 coverage available to a person shall be determined by the plans  
26 that are available to state employees, irrespective of any  
27 greater or lesser benefits that may have been available to the  
28 person as a county employee.

29 4. Commencing on the date of becoming a state employee, each  
30 person referred to in subsection 1 is entitled to claim the  
31 person's most recent continuous period of service in full-time  
32 county employment as full-time state employment for purposes of  
33 determining disability benefits as provided in section 70A.20  
34 according to rules in effect for state employees of comparable  
35 longevity, irrespective of any greater or lesser benefit that

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1 may have been available to the person as a county employee.

2 Sec. 15. EFFECTIVE DATE. This division of this Act takes  
3 effect July 1, 2014.

4 DIVISION III  
5 INVOLUNTARY COMMITMENTS — PERSONS WITH INTELLECTUAL  
6 DISABILITIES

7 Sec. 16. Section 48A.2, subsection 3, Code 2013, is amended  
8 to read as follows:

9 3. "*Person who is incompetent to vote*" means a person with an  
10 intellectual disability who has been found to lack the mental  
11 capacity to vote in a proceeding held pursuant to section  
12 ~~222.31~~ or 633.556.

13 Sec. 17. Section 222.6, Code 2013, is amended to read as  
14 follows:

15 **222.6 State districts.**

16 The administrator shall divide the state into two districts  
17 in such manner that one of the resource centers shall be  
18 located within each of the districts. Such districts may  
19 from time to time be changed. After such districts have  
20 been established, the administrator shall notify all boards  
21 of supervisors, county auditors, and clerks of the district  
22 courts of the action. Thereafter, unless the administrator  
23 otherwise orders, all admissions ~~or commitments~~ of persons with  
24 an intellectual disability from a district shall be to the  
25 resource center located within such district.

26 Sec. 18. Section 222.12, subsection 2, Code 2013, is amended  
27 to read as follows:

28 2. Notice of the death of the patient, and the cause of  
29 death, shall be sent to the county board of supervisors ~~and to~~  
30 ~~the judge of the court that had jurisdiction over a committed~~  
31 ~~patient~~. The fact of death with the time, place, and alleged  
32 cause shall be entered upon the docket of the court.

33 Sec. 19. Section 222.15, subsection 3, Code 2013, is amended  
34 by striking the subsection.

35 Sec. 20. Section 222.59, subsection 3, Code 2013, is amended

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1 by striking the subsection.

2 Sec. 21. Section 222.60, subsection 1, unnumbered paragraph  
3 1, Code 2013, is amended to read as follows:

4 All necessary and legal expenses for the cost of admission  
5 ~~or commitment~~ or for the treatment, training, instruction,  
6 care, habilitation, support and transportation of persons with  
7 an intellectual disability, as provided for in the county  
8 management plan provisions implemented pursuant to section  
9 331.439, subsection 1, in a state resource center, or in a  
10 special unit, or any public or private facility within or  
11 without the state, approved by the director of the department  
12 of human services, shall be paid by either:

13 Sec. 22. Section 222.61, Code 2013, is amended to read as  
14 follows:

15 **222.61 Legal settlement determined.**

16 When a county receives an application on behalf of any person  
17 for admission to a resource center or a special unit ~~or when~~  
18 ~~a court issues an order committing any person to a resource~~  
19 ~~center or a special unit~~, the board of supervisors shall  
20 utilize the central point of coordination process to determine  
21 and certify that the legal settlement of the person is in one  
22 of the following:

23 1. In the county in which the application is received ~~or~~  
24 ~~court is located~~.

25 2. In some other county of the state.

26 3. In another state or in a foreign country.

27 4. Unknown.

28 Sec. 23. Section 222.64, Code 2013, is amended to read as  
29 follows:

30 **222.64 Foreign state or country or unknown legal settlement.**

31 If the legal settlement of the person is determined by the  
32 board of supervisors through the central point of coordination  
33 process to be in a foreign state or country or is determined  
34 to be unknown, the board of supervisors shall certify the  
35 determination to the administrator. The certification shall

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1 be accompanied by a copy of the evidence supporting the  
2 determination. The care of the person shall be as arranged by  
3 the board of supervisors or by an order as the court may enter.  
4 Application for admission ~~or order of commitment~~ may be made  
5 pending investigation by the administrator.

6 Sec. 24. Section 222.67, Code 2013, is amended to read as  
7 follows:

8 **222.67 Charge on finding of settlement.**

9 If a person has been received into a resource center or a  
10 special unit as a patient whose legal settlement is supposedly  
11 outside the state or is unknown and the administrator  
12 determines that the legal settlement of the patient was at the  
13 time of admission ~~or commitment~~ in a county of this state,  
14 the administrator shall certify the determination and charge  
15 all legal costs and expenses pertaining to the admission ~~or~~  
16 ~~commitment~~ and support of the patient to the county of legal  
17 settlement. The certification shall be sent to the county  
18 of legal settlement. The certification shall be accompanied  
19 by a copy of the evidence supporting the determination. If  
20 the person's legal settlement status has been determined in  
21 accordance with section 225C.8, the legal costs and expenses  
22 shall be charged to the county or as a state case in accordance  
23 with that determination. The costs and expenses shall be  
24 collected as provided by law in other cases.

25 Sec. 25. Section 222.68, Code 2013, is amended to read as  
26 follows:

27 **222.68 Costs paid in first instance.**

28 All necessary and legal expenses for the cost of admission ~~or~~  
29 ~~commitment~~ of a person to a resource center or a special unit  
30 when the person's legal settlement is found to be in another  
31 county of this state shall in the first instance be paid by the  
32 county from which the person was admitted ~~or committed~~. The  
33 county of legal settlement shall reimburse the county which  
34 pays for all such expenses. Where any county fails to make  
35 such reimbursement within forty-five days following submission

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1 of a properly itemized bill to the county of legal settlement,  
2 a penalty of not greater than one percent per month on and  
3 after forty-five days from submission of the bill may be added  
4 to the amount due.

5 Sec. 26. Section 222.69, Code 2013, is amended to read as  
6 follows:

7 **222.69 Payment by state.**

8 All necessary and legal expenses for the cost of admission  
9 ~~or commitment~~ of a person to a resource center or a special  
10 unit when the person's legal settlement is outside this state  
11 or is unknown shall be paid out of any money in the state  
12 treasury not otherwise appropriated. Such payments shall be  
13 made on itemized vouchers executed by the auditor of the county  
14 from which the expenses have been paid and approved by the  
15 administrator.

16 Sec. 27. Section 222.70, Code 2013, is amended to read as  
17 follows:

18 **222.70 Legal settlement disputes.**

19 If a dispute arises between counties or between the  
20 department and a county as to the legal settlement of a person  
21 admitted ~~or committed~~ to a resource center, a special unit, or  
22 a community-based service, the dispute shall be resolved as  
23 provided in section 225C.8.

24 Sec. 28. Section 222.78, Code 2013, is amended to read as  
25 follows:

26 **222.78 Parents and others liable for support.**

27 The father and mother of any patient admitted ~~or committed~~ to  
28 a resource center or to a special unit, as either an inpatient  
29 or an outpatient, and any person, firm, or corporation bound  
30 by contract made for support of the patient are liable for the  
31 support of the patient. The patient and those legally bound  
32 for the support of the patient shall be liable to the county  
33 for all sums advanced by the county to the state under the  
34 provisions of sections 222.60 and 222.77. The liability of  
35 any person, other than the patient, who is legally bound for

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1 the support of a patient who is under eighteen years of age  
2 in a resource center or a special unit shall not exceed the  
3 average minimum cost of the care of a normally intelligent  
4 minor without a disability of the same age and sex as the  
5 minor patient. The administrator shall establish the scale  
6 for this purpose but the scale shall not exceed the standards  
7 for personal allowances established by the state division  
8 under the family investment program. The father or mother  
9 shall incur liability only during any period when the father  
10 or mother either individually or jointly receive a net income  
11 from whatever source, commensurate with that upon which they  
12 would be liable to make an income tax payment to this state.  
13 The father or mother of a patient shall not be liable for the  
14 support of the patient upon the patient attaining eighteen  
15 years of age. Nothing in this section shall be construed to  
16 prevent a relative or other person from voluntarily paying the  
17 full actual cost as established by the administrator for caring  
18 for the patient with an intellectual disability.

19 Sec. 29. Section 222.80, Code 2013, is amended to read as  
20 follows:

21 **222.80 Liability to county.**

22 A person admitted ~~or committed~~ to a county institution  
23 or home or admitted ~~or committed~~ at county expense to a  
24 private hospital, sanitarium, or other facility for treatment,  
25 training, instruction, care, habilitation, and support as a  
26 patient with an intellectual disability shall be liable to the  
27 county for the reasonable cost of the support as provided in  
28 section 222.78.

29 Sec. 30. Section 222.91, Code 2013, is amended to read as  
30 follows:

31 **222.91 Direct referral to special unit.**

32 In addition to any other manner of referral, or admission, ~~or~~  
33 ~~commitment~~ to the special unit provided for by this chapter,  
34 persons may be referred directly to the special unit by courts,  
35 law enforcement agencies, or state penal or correctional

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1 institutions for services under subsection 2 of section 222.88,  
2 subsection 2; but persons so referred shall not be admitted ~~or~~  
3 ~~committed~~ unless a preadmission diagnostic evaluation indicates  
4 that the person would benefit from such services, and the  
5 admission ~~or commitment~~ of the person to the special unit  
6 would not cause the special unit's patient load to exceed its  
7 capacity.

8 Sec. 31. Section 232.51, Code 2013, is amended to read as  
9 follows:

10 **232.51 Disposition of child with mental illness ~~or an~~**  
11 **~~intellectual disability.~~**

12 1. If the evidence received at an adjudicatory or a  
13 dispositional hearing indicates that the child is mentally  
14 ill, the court may direct the juvenile court officer or the  
15 department to initiate proceedings or to assist the child's  
16 parent or guardian to initiate civil commitment proceedings in  
17 the juvenile court and such proceedings in the juvenile court  
18 shall adhere to the requirements of chapter 229.

19 ~~2. If the evidence received at an adjudicatory or a~~  
20 ~~dispositional hearing indicates that the child has an~~  
21 ~~intellectual disability, the court may direct the juvenile~~  
22 ~~court officer or the department to initiate proceedings~~  
23 ~~or to assist the child's parent or guardian to initiate~~  
24 ~~civil commitment proceedings in the juvenile court and such~~  
25 ~~proceedings shall adhere to the requirements of chapter 222.~~

26 ~~3.~~ 2. a. If prior to the adjudicatory or dispositional  
27 hearing on the pending delinquency petition, the child is  
28 committed as a child with a mental illness ~~or an intellectual~~  
29 ~~disability~~ and is ordered into a residential facility,  
30 institution, or hospital for inpatient treatment, the  
31 delinquency proceeding shall be suspended until such time as  
32 the juvenile court either terminates the civil commitment  
33 order or the child is released from the residential facility,  
34 institution, or hospital for purposes of receiving outpatient  
35 treatment.

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1        *b.* During any time that the delinquency proceeding is  
2 suspended pursuant to this subsection, any time limits for  
3 speedy adjudicatory hearings and continuances shall be tolled.  
4        *c.* This subsection shall not apply to waiver hearings held  
5 pursuant to section 232.45.

6        Sec. 32. Section 331.756, subsection 42, Code 2013, is  
7 amended by striking the subsection.

8        Sec. 33. Section 602.8102, subsections 36 and 37, Code 2013,  
9 are amended by striking the subsections.

10       Sec. 34. REPEAL. Sections 222.16 through 222.33, sections  
11 222.36 through 222.49, section 222.51, and sections 222.54  
12 through 222.58, Code 2013, are repealed.

13       Sec. 35. EFFECTIVE DATE. This division of this Act takes  
14 effect July 1, 2014.

## SUBSTANCE-RELATED DISORDERS AND MENTAL ILLNESS

32 1. Proceedings for the involuntary commitment or treatment  
33 of a person with a substance-related disorder to a facility  
34 pursuant to this chapter or for the involuntary hospitalization  
35 of a person pursuant to chapter 229 may be commenced by





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1 ~~the county attorney or an~~ any interested person by filing a  
2 verified application with the clerk of the district court of  
3 the county where the respondent is presently located or which  
4 is the respondent's place of residence. The clerk or the  
5 clerk's designee shall assist the applicant in completing the  
6 application.

7 2. The application shall:

8 ~~1- a.~~ State the applicant's belief that the respondent is a  
9 person with a substance-related disorder who presents a danger  
10 to self or others and lacks judgmental capacity due to either  
11 of the following:

12 (1) A substance-related disorder as defined in section  
13 125.1.

14 (2) A serious mental impairment as defined in section 229.1.

15 ~~2- b.~~ State any other pertinent facts in support of each  
16 belief described in paragraph "a".

17 ~~3- c.~~ Be accompanied by one or more of the following:

18 ~~a-~~ (1) A written statement of a licensed physician in  
19 support of the application.

20 ~~b-~~ (2) One or more supporting affidavits corroborating the  
21 application.

22 ~~c-~~ (3) Corroborative information obtained and reduced to  
23 writing by the clerk or the clerk's designee, but only when  
24 circumstances make it infeasible to obtain, or when the clerk  
25 considers it appropriate to supplement, the information under  
26 either paragraph "a" subparagraph (1) or paragraph "b" (2).

27 3. Prior to the filing of an application pursuant to this  
28 section, the clerk or the clerk's designee shall inform the  
29 interested person referred to in subsection 1 about the option  
30 of requesting a preapplication screening assessment pursuant  
31 to section 125.74A.

32 4. The supreme court shall prescribe rules and establish  
33 forms as necessary to carry out the provisions of this section.

34 Sec. 38. Section 125.75A, Code 2013, is amended to read as  
35 follows:

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1     **125.75A Involuntary ~~commitment or treatment of~~ proceedings —**  
2     **minors — jurisdiction.**

3     The juvenile court has exclusive original jurisdiction in  
4     proceedings concerning a minor for whom an application ~~for~~  
5     ~~involuntary commitment or treatment~~ is filed under section  
6     125.75. In proceedings under this division concerning a  
7     minor's involuntary commitment or treatment, the term "*court*",  
8     "*judge*", or "*clerk*" means the juvenile court, judge, or clerk.

9     Sec. 39. Section 125.77, Code 2013, is amended to read as  
10    follows:

11    **125.77 Service of notice.**

12    Upon the filing of an application ~~for involuntary commitment~~  
13    pursuant to section 125.75, the clerk shall docket the case  
14    and immediately notify a district court judge, a district  
15    associate judge, or magistrate who is admitted to the practice  
16    of law in this state, who shall review the application and  
17    accompanying documentation. The clerk shall send copies of  
18    the application and supporting documentation, together with  
19    the notice informing the respondent of the procedures required  
20    by this division, to the sheriff, for immediate service upon  
21    the respondent. If the respondent is taken into custody under  
22    section 125.81, service of the application, documentation,  
23    and notice upon the respondent shall be made at the time the  
24    respondent is taken into custody.

25    Sec. 40. Section 125.78, unnumbered paragraph 1, Code 2013,  
26    is amended to read as follows:

27    As soon as practical after the filing of an application ~~for~~  
28    ~~involuntary commitment or treatment~~ pursuant to section 125.75,  
29    the court shall:

30    Sec. 41. Section 125.79, Code 2013, is amended to read as  
31    follows:

32    **125.79 Respondent's attorney informed.**

33    The court shall direct the clerk to furnish at once to  
34    the respondent's attorney, copies of the application ~~for~~  
35    ~~involuntary commitment of the respondent~~ pursuant to section



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1 125.75 and the supporting documentation, and of the court's  
2 order issued pursuant to section 125.78, subsection 3. If the  
3 respondent is taken into custody under section 125.81, the  
4 attorney shall also be advised of that fact. The respondent's  
5 attorney shall represent the respondent at all stages of the  
6 proceedings and shall attend the commitment hearing.

7 Sec. 42. Section 229.5, Code 2013, is amended to read as  
8 follows:

9 **229.5 Departure without notice.**

10 If a voluntary patient departs from the hospital without  
11 notice, and in the opinion of the chief medical officer the  
12 patient is seriously mentally impaired, the chief medical  
13 officer may file an application ~~for involuntary hospitalization~~  
14 ~~of~~ on the departed voluntary patient pursuant to section 229.6,  
15 and request that an order for immediate custody be entered by  
16 the court pursuant to section 229.11.

17 Sec. 43. Section 229.5A, Code 2013, is amended to read as  
18 follows:

19 **229.5A Preapplication screening assessment — program.**

20 Prior to filing an application ~~for involuntary~~  
21 ~~hospitalization~~ pursuant to section 229.6, the clerk of  
22 the district court or the clerk's designee shall inform the  
23 interested person referred to in section 229.6, subsection  
24 1, about the option of requesting a preapplication screening  
25 assessment through a preapplication screening assessment  
26 program, if available. The state court administrator shall  
27 prescribe practices and procedures for implementation of the  
28 preapplication screening assessment program.

29 Sec. 44. Section 229.6, Code 2013, is amended to read as  
30 follows:

31 **229.6 Application for order of involuntary hospitalization.**

32 1. Proceedings for the involuntary hospitalization of an  
33 individual pursuant to this chapter or for the involuntary  
34 commitment or treatment of a person with a substance-related  
35 disorder to a facility pursuant to chapter 125 may be commenced

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1 by any interested person by filing a verified application  
2 with the clerk of the district court of the county where the  
3 respondent is presently located, or which is the respondent's  
4 place of residence. The clerk, or the clerk's designee, shall  
5 assist the applicant in completing the application.

6 2. The application shall:

7 a. State the applicant's belief that the respondent is  
8 ~~seriously mentally impaired.~~ a person who presents a danger to  
9 self or others and lacks judgmental capacity due to either of  
10 the following:

11 (1) A substance-related disorder as defined in section  
12 125.1.

13 (2) A serious mental impairment as defined in section 229.1.

14 b. State ~~any other pertinent~~ facts in support of each belief  
15 described in paragraph "a".

16 c. Be accompanied by any of the following:

17 (1) A written statement of a licensed physician in support  
18 of the application.

19 (2) One or more supporting affidavits otherwise  
20 corroborating the application.

21 (3) Corroborative information obtained and reduced to  
22 writing by the clerk or the clerk's designee, but only when  
23 circumstances make it infeasible to comply with, or when the  
24 clerk considers it appropriate to supplement the information  
25 supplied pursuant to, either subparagraph (1) or (2).

26 2. 3. Prior to the filing of an application pursuant to  
27 this section, the clerk or the clerk's designee shall inform  
28 the interested person referred to in subsection 1 about the  
29 option of requesting a preapplication screening assessment  
30 pursuant to section 229.5A.

31 4. The supreme court shall prescribe rules and establish  
32 forms as necessary to carry out the provisions of this section.

33 Sec. 45. Section 229.6A, subsection 1, Code 2013, is amended  
34 to read as follows:

35 1. Notwithstanding section 229.11, the juvenile court has



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1 exclusive original jurisdiction in proceedings concerning  
2 a minor for whom an application ~~for involuntary admission~~  
3 is filed under section 229.6 or for whom an application for  
4 voluntary admission is made under section 229.2, subsection 1,  
5 to which the minor objects. In proceedings under this chapter  
6 concerning a minor, notwithstanding section 229.11, the term  
7 "court", "judge", or "clerk" means the juvenile court, judge, or  
8 clerk.

9 Sec. 46. Section 229.7, Code 2013, is amended to read as  
10 follows:

11 **229.7 Service of notice upon respondent.**

12 Upon the filing of an application ~~for involuntary~~  
13 ~~hospitalization~~ pursuant to section 229.6, the clerk shall  
14 docket the case and immediately notify a district court judge,  
15 district associate judge, or magistrate who is admitted to the  
16 practice of law in this state, who shall review the application  
17 and accompanying documentation. If the application is adequate  
18 as to form, the court may set a time and place for a hearing  
19 on the application, if feasible, but the hearing shall not be  
20 held less than forty-eight hours after notice to the respondent  
21 unless the respondent waives such minimum prior notice  
22 requirement. The court shall direct the clerk to send copies  
23 of the application and supporting documentation, together with  
24 a notice informing the respondent of the procedures required  
25 by this chapter, to the sheriff or the sheriff's deputy for  
26 immediate service upon the respondent. If the respondent  
27 is taken into custody under section 229.11, service of the  
28 application, documentation and notice upon the respondent shall  
29 be made at the time the respondent is taken into custody.

30 Sec. 47. Section 229.8, unnumbered paragraph 1, Code 2013,  
31 is amended to read as follows:

32 As soon as practicable after the filing of an application  
33 ~~for involuntary hospitalization~~ pursuant to section 229.6, the  
34 court shall:

35 Sec. 48. Section 229.9, Code 2013, is amended to read as

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1 follows:

2 **229.9 Respondent's attorney informed.**

3 The court shall direct the clerk to furnish at once to the  
4 respondent's attorney copies of the application ~~for involuntary~~  
5 ~~hospitalization of the respondent~~ filed pursuant to section  
6 229.6 and the supporting documentation, and of the court's  
7 order issued pursuant to section 229.8, subsection 3. If the  
8 respondent is taken into custody under section 229.11, the  
9 attorney shall also be advised of that fact. The respondent's  
10 attorney shall represent the respondent at all stages of the  
11 proceedings, and shall attend the hospitalization hearing.

12 Sec. 49. Section 229.21, subsection 2, Code 2013, is amended  
13 to read as follows:

14 2. When an application for involuntary hospitalization  
15 ~~under this chapter or an application~~ for involuntary commitment  
16 or treatment of persons with substance-related disorders under  
17 ~~sections section 229.6 or 125.75 to 125.94~~ is filed with the  
18 clerk of the district court in any county for which a judicial  
19 hospitalization referee has been appointed, and no district  
20 judge, district associate judge, or magistrate who is admitted  
21 to the practice of law in this state is accessible, the clerk  
22 shall immediately notify the referee in the manner required by  
23 section 229.7 or section 125.77. The referee shall discharge  
24 all of the duties imposed upon the court by sections 229.7  
25 to 229.22 or sections 125.75 to 125.94 in the proceeding so  
26 initiated. Subject to the provisions of subsection 4, orders  
27 issued by a referee, in discharge of duties imposed under  
28 this section, shall have the same force and effect as if  
29 ordered by a district judge. However, any commitment to a  
30 facility regulated and operated under chapter 135C shall be in  
31 accordance with section 135C.23.

32 Sec. 50. Section 229.22, subsection 3, Code 2013, is amended  
33 to read as follows:

34 3. The chief medical officer of the facility or hospital  
35 shall examine and may detain and care for the person taken

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1 into custody under the magistrate's order for a period not  
2 to exceed forty-eight hours from the time such order is  
3 dated, excluding Saturdays, Sundays and holidays, unless the  
4 order is sooner dismissed by a magistrate. The facility or  
5 hospital may provide treatment which is necessary to preserve  
6 the person's life, or to appropriately control behavior by  
7 the person which is likely to result in physical injury to  
8 the person's self or others if allowed to continue, but may  
9 not otherwise provide treatment to the person without the  
10 person's consent. The person shall be discharged from the  
11 facility or hospital and released from custody not later than  
12 the expiration of that period, unless an application ~~for the~~  
13 ~~person's involuntary hospitalization~~ is sooner filed with the  
14 clerk pursuant to section 229.6. Prior to such discharge the  
15 facility or hospital shall, if required by this section, notify  
16 the law enforcement agency requesting such notification about  
17 the discharge of the person. The law enforcement agency shall  
18 retrieve the person no later than six hours after notification  
19 from the facility or hospital but in no circumstances shall the  
20 detention of the person exceed the period of time prescribed  
21 for detention by this subsection. The detention of any  
22 person by the procedure and not in excess of the period of  
23 time prescribed by this section shall not render the peace  
24 officer, physician, facility, or hospital so detaining that  
25 person liable in a criminal or civil action for false arrest or  
26 false imprisonment if the peace officer, physician, facility,  
27 or hospital had reasonable grounds to believe the person so  
28 detained was mentally ill and likely to physically injure  
29 the person's self or others if not immediately detained, or  
30 if the facility or hospital was required to notify a law  
31 enforcement agency by this section, and the law enforcement  
32 agency requesting notification prior to discharge retrieved the  
33 person no later than six hours after the notification, and the  
34 detention prior to the retrieval of the person did not exceed  
35 the period of time prescribed for detention by this subsection.



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1 Sec. 51. Section 229.24, subsection 1, Code 2013, is amended  
2 to read as follows:

3 1. All papers and records pertaining to any involuntary  
4 hospitalization or application ~~for involuntary hospitalization~~  
5 pursuant to section 229.6 of any person under this chapter,  
6 whether part of the permanent record of the court or of a file  
7 in the department of human services, are subject to inspection  
8 only upon an order of the court for good cause shown.

9 Sec. 52. Section 229.27, subsection 2, Code 2013, is amended  
10 to read as follows:

11 2. The applicant may, in initiating a petition ~~for~~  
12 ~~involuntary hospitalization of a person~~ under section 229.6 or  
13 at any subsequent time prior to conclusion of the involuntary  
14 hospitalization proceeding, also petition the court for a  
15 finding that the person is incompetent by reason of mental  
16 illness. The test of competence for the purpose of this  
17 section shall be whether the person possesses sufficient mind  
18 to understand in a reasonable manner the nature and effect  
19 of the act in which the person is engaged; the fact that a  
20 person is mentally ill and in need of treatment for that  
21 illness but because of the illness lacks sufficient judgment  
22 to make responsible decisions with respect to the person's  
23 hospitalization or treatment does not necessarily mean that  
24 that person is incapable of transacting business on any  
25 subject.

26 Sec. 53. Section 602.1209, subsection 16, Code 2013, is  
27 amended to read as follows:

28 16. Prescribe practices and procedures for the  
29 implementation of the preapplication screening assessment  
30 program referred to in ~~section~~ sections 125.75A and 229.5A.

31 Sec. 54. REPEAL. Sections 125.75B and 229.2A, Code 2013,  
32 are repealed.

33 Sec. 55. STUDY — BED AVAILABILITY TRACKING SYSTEM. The  
34 department of human services shall conduct a study regarding  
35 the possible development of a hospital bed tracking system in

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1 order to most efficiently and effectively serve the needs of  
2 persons suffering from mental illness. The department shall  
3 submit a report of the study and make recommendations to the  
4 governor and the general assembly by December 16, 2013.

5 EXPLANATION

6 DIVISION I — DEPARTMENTAL RESPONSIBILITY FOR MENTAL HEALTH  
7 ADVOCATES. This division establishes a mental health advocate  
8 division in the department of inspections and appeals and  
9 specifies duties for the division administrator. A transition  
10 provision directs the department to commence organizational  
11 activities during FY 2013-2014 as necessary to fully implement  
12 the new departmental division and all of the bill's division  
13 II provisions on July 1, 2014. The department is granted  
14 emergency rulemaking authority if necessary to achieve the  
15 implementation date.

16 This division takes effect July 1, 2013.

17 DIVISION II — IMPLEMENTATION. This division provides for  
18 implementation of the change in administration of the mental  
19 health advocates on July 1, 2014, including conforming changes  
20 to various Code sections.

21 Code section 225C.4, relating to the duties of the  
22 administrator of the mental health and disability services  
23 division of the department of human services, is amended to  
24 correct a reference to mental health advocates and to include  
25 the department of inspections and appeals in a duty for  
26 providing consultation and technical assistance to advocates.

27 Code section 226.31, relating to an application for a court  
28 order for transfer of a dangerous patient from a state mental  
29 health institute, is amended to correct a reference to the  
30 advocate to be included in a notice of a hearing.

31 Code section 229.2, relating to admissions of juvenile  
32 mental health patients, is amended to correct a reference to  
33 the appointment of a mental health advocate for juveniles  
34 involuntarily committed.

35 Code section 229.9A, relating to requirements for the clerk

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1 of court to notify a mental health advocate of application  
2 and order information, is amended to correct a reference to  
3 the advocate, to eliminate a reference to county of legal  
4 settlement, and to authorize the advocate to attend any court  
5 hearing involving the respondent.

6 Code section 229.12, relating to the procedure for  
7 hospitalization hearings, is amended to correct a reference to  
8 the advocate and to eliminate a reference to county of legal  
9 settlement.

10 Code section 229.14A, relating to notice requirements  
11 for involuntary commitment placement orders and transfers,  
12 is amended to require notice to correct a reference to the  
13 advocate and to eliminate a reference to a procedure for  
14 withdrawal of an attorney that is revised by the bill.

15 Code section 229.15, relating to the periodic reports  
16 required when hospitalization of a patient is continued by  
17 court order, is amended to require the report to be provided to  
18 the advocate.

19 Code section 229.19, the primary Code provision for  
20 mental health advocates, is extensively revised to insert  
21 the new department of inspections and appeals division in  
22 place of the counties. The advocate is to be appointed by  
23 the court from a list of qualified persons provided by the  
24 division administrator. A procedure for continuation of the  
25 respondent's attorney when a patient is found to be seriously  
26 mentally impaired is revised to require the attorney to  
27 cooperate with the patient's advocate instead of assuming the  
28 duties of an advocate. Responsibility for compensation of  
29 the mental health advocate is shifted to the division and the  
30 division is required to recover the costs of the mental health  
31 advocate if the person is not indigent.

32 Code section 229.25, relating to exceptions for release of  
33 medical records maintained by a hospital or other treatment  
34 facility, is amended to correct a reference to the advocate  
35 regarding the release of the records to the advocate when the

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1 patient has signed a waiver.

2 The bill includes a transition section outlining sick time,  
3 vacation leave, and health, life, and disability insurance  
4 rights of county employees who become employees of the  
5 department of inspections and appeals in accordance with the  
6 bill.

7 This division takes effect July 1, 2014.

8 DIVISION III — INVOLUNTARY COMMITMENTS — PERSONS WITH  
9 INTELLECTUAL DISABILITIES. Current Code chapter 222 contains  
10 both a voluntary admission process and an involuntary  
11 commitment process to provide treatment, training, instruction,  
12 care, habilitation, and support of persons with an intellectual  
13 disability. Current law also provides that if a guardianship  
14 is proposed for a person with an intellectual disability,  
15 such proceedings shall be initiated and conducted pursuant  
16 to Code chapter 633 (provisions under probate code). This  
17 division repeals provisions in Code chapter 222 relating to  
18 the involuntary commitment process and makes conforming Code  
19 changes. This division takes effect July 1, 2014.

20 DIVISION IV — INVOLUNTARY COMMITMENTS — SUBSTANCE-RELATED  
21 DISORDERS AND MENTAL ILLNESS.

22 PREAPPLICATION SCREENING ASSESSMENT. This division provides  
23 that prior to filing an application for involuntary commitment  
24 or treatment under Code chapter 125 or for involuntary  
25 hospitalization under Code chapter 229, the clerk of the  
26 district court or the clerk's designee shall inform the  
27 interested person who intends to file the application about  
28 the option of requesting a preapplication screening assessment  
29 through a preapplication screening assessment program, if  
30 available. The state court administrator is required to  
31 prescribe practices and procedures for implementation of the  
32 preapplication screening assessment program.

33 Conforming Code changes are made relating to the duties of  
34 the district court clerk and the state court administrator.

35 APPLICATION FOR INVOLUNTARY COMMITMENT OR TREATMENT OR

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1 INVOLUNTARY HOSPITALIZATION. Current law provides for separate  
2 applications for the involuntary commitment or treatment of a  
3 person with a substance-related disorder under Code chapter  
4 125 and for the involuntary hospitalization of a person with a  
5 serious mental impairment under Code chapter 229. The division  
6 combines both applications and allows an interested person  
7 to file one application under either Code chapter 125 or 229  
8 with the clerk of the district court of the county where the  
9 respondent is located or where the respondent resides. The  
10 interested person is required to state on the application  
11 the person's belief that the respondent presents a danger to  
12 self or others and lacks judgmental capacity due to either a  
13 substance-related disorder or a serious mental impairment. The  
14 applicant must also state facts in support of each claim and,  
15 consistent with current law, provide a written statement of a  
16 licensed physician, one or more supporting affidavits, or any  
17 other corroborative information as determined by the clerk of  
18 the district court in support of the application. The division  
19 requires the supreme court to adopt rules and establish forms  
20 as necessary to carry out the amended provisions.

21 The bill makes conforming changes by amending certain  
22 provisions in both Code chapters 125 and 229 that make  
23 references to the filing of separate commitment applications  
24 and repeals provisions allowing for dual filings of both  
25 applications.

26 STUDY — BED AVAILABILITY TRACKING SYSTEM. This division  
27 requires the department of human services to conduct a study  
28 regarding the possible development of a hospital bed tracking  
29 system in order to most efficiently and effectively serve  
30 the needs of persons suffering from mental illness. The  
31 department is required to submit a report of the study and make  
32 recommendations to the governor and the general assembly by  
33 December 16, 2013.



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**Senate Study Bill 1193 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON HOGG)

**A BILL FOR**

1 An Act relating to right to cure provisions applicable to a  
2 closed credit card account.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 537.5110, subsection 4, paragraph c,  
2 Code 2013, is amended to read as follows:  
3 c. Until the expiration of the minimum applicable period  
4 after the notice is given, the consumer may cure the default by  
5 tendering either the amount of all unpaid installments due at  
6 the time of the tender, without acceleration, plus any unpaid  
7 delinquency or deferral charges, or the amount stated in the  
8 notice of right to cure, whichever is less, or by tendering any  
9 performance necessary to cure any default other than nonpayment  
10 of amounts due, which is described in the notice of right to  
11 cure. The act of curing a default restores to the consumer  
12 the consumer's rights under the agreement as though no default  
13 had occurred, except as provided in subsection 3. However,  
14 where the obligation in default is a credit card account that  
15 has been closed, the act of curing a default does not restore  
16 to the consumer the consumer's rights under the agreement as  
17 though no default had occurred.  
18 Sec. 2. Section 537.5111, Code 2013, is amended by adding  
19 the following new subsection:  
20 NEW SUBSECTION. 4A. If the consumer credit transaction is  
21 a credit card account that has been closed, the notice shall  
22 conform to the requirements of subsection 2, and a notice in  
23 substantially the form specified in that subsection complies  
24 with this subsection except that the statement relating to  
25 continuation of the contract upon correction of the default as  
26 though the consumer did not default shall not be contained in  
27 the notice.

28 EXPLANATION

29 This bill relates to right to cure provisions applicable to a  
30 credit card account that has been closed.

31 The bill states that provisions applicable to restoring  
32 a consumer's rights under an agreement after a default is  
33 cured as though no default had occurred do not apply to  
34 situations where the account in question is a closed credit  
35 card account. Similarly, the bill also states, with reference

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1 to the notice of right to cure sample form contained in Code  
2 section 537.5111, that a notice substantially complying with  
3 the form suffices for closed credit card accounts, except that  
4 a statement contained in the form relating to continuation  
5 of the contract upon correction of the default as though the  
6 consumer did not default shall not be contained in the notice.



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**Senate Study Bill 1194 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON HOGG)

**A BILL FOR**

1 An Act relating to immunity from liability for certain  
2 recreational activities on school grounds.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. **NEW SECTION. 276A.1 Definitions.**  
2 As used in this chapter, unless the context otherwise  
3 requires:  
4 1. *"Injury"* means an injury to a person or to property.  
5 2. *a. "Recreational activity"* means all of the following:  
6 (1) Any indoor physical activity, sport, team sport, or  
7 game, whether organized or unorganized, undertaken for the  
8 purpose of competition, exercise, relaxation, diversion,  
9 education, or pleasure.  
10 (2) Any outdoor activity undertaken for the purpose of  
11 exercise, relaxation, diversion, or pleasure, including  
12 practice or instruction in any such activity.  
13 *b. "Recreational activity"* does not include any indoor or  
14 outdoor organized physical activity, sport, team sport, or game  
15 sponsored, organized, and supervised by a school district.  
16 3. *"Recreational agreement"* means a written authorization  
17 granted by a school district to a person or entity that permits  
18 public access to all or a specified part of the school grounds  
19 for the purpose of participating in, attending, supervising,  
20 or conducting a recreational activity and that satisfies the  
21 requirements of section 276A.4.  
22 4. *"School board"* means a board of directors regularly  
23 elected by the registered voters of a school district.  
24 5. *"School district"* means a public school district  
25 described in chapter 274.  
26 6. *"School grounds"* means real property, and any school  
27 buildings, attendance centers, accessory buildings, structures,  
28 and improvements thereon, owned, leased, or rented by a school  
29 district and used primarily for public school purposes.  
30 7. *"Spectator"* means a person who attends or watches a  
31 recreational activity but does not engage or participate in or  
32 intend to engage or participate in the recreational activity.  
33 8. *"Sport"* means an activity requiring physical exertion and  
34 skill and which, by its nature and organization, is competitive  
35 and includes a set of rules for play.

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1     Sec. 2. NEW SECTION.   **276A.2 Immunity from liability.**

2     1. Except as provided in section 276A.3, a school district,  
3 school board, or any officer, employee, or agent of a school  
4 district or school board does not owe any of the following  
5 duties to any person who participates in a recreational  
6 activity held pursuant to a recreational agreement:

7     a. A duty to keep the school grounds safe for the  
8 recreational activity.

9     b. A duty to inspect the school grounds.

10    c. A duty to give warning of an unsafe condition, use, or  
11 activity on the school grounds.

12    2. Except as provided in section 276A.3, a school district,  
13 school board, or any officer, employee, or agent of a school  
14 district or school board shall not be liable for the death or  
15 injury of any person participating in a recreational activity  
16 pursuant to a recreational agreement, nor for any death or  
17 injury caused by such a person.

18    Sec. 3. NEW SECTION.   **276A.3 Exceptions — malicious acts.**

19    Section 276A.2 shall not limit the liability of a school  
20 district, school board, or any officer, employee, or agent of a  
21 school district or school board for any of the following:

22    1. The death or injury of any person caused by a malicious  
23 act or by a malicious failure to warn against an unsafe  
24 condition that a school district, school board, or any officer,  
25 employee, or agent of the school district or school board knew  
26 or reasonably should have known, that occurs during the course  
27 of a recreational activity held pursuant to a recreational  
28 agreement.

29    2. The death or injury of a spectator that occurs on school  
30 grounds during the course of a recreational activity held  
31 pursuant to a recreational agreement.

32    3. The death or injury of a person participating in a  
33 recreational activity involving any of the following pursuant  
34 to a recreational agreement:

35    a. A weight room and related equipment.

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- 1     *b.* A swimming pool.  
2     *c.* Gymnastics equipment.  
3     Sec. 4. NEW SECTION.   **276A.4 Recreational agreement.**  
4     A recreational agreement shall include all of the following:  
5     1. A description of the recreational activity to be held on  
6 school grounds pursuant to the agreement.  
7     2. The specific location on school grounds where the  
8 recreational activity will be held.  
9     3. The time and place of the recreational activity.  
10    4. Any eligibility requirements for participation in the  
11 recreational activity.  
12    5. Whether and to what extent participants who are minors  
13 will be supervised.  
14    6. A clear statement describing a participant's assumption  
15 of risk.

16                                   EXPLANATION  
17     This bill relates to immunity from liability for certain  
18 recreational activities held on school grounds.  
19     The bill provides that except as otherwise provided in  
20 the bill, a school district, school board, or any officer,  
21 employee, or agent of a school district or school board does  
22 not owe certain duties to any person who participates in a  
23 recreational activity held pursuant to a recreational agreement  
24 with the school district. In addition, except as otherwise  
25 provided in the bill, a school district, school board, or any  
26 officer, employee, or agent of a school district or school  
27 board shall not be liable for the death or injury of any person  
28 participating in a recreational activity held pursuant to a  
29 recreational agreement, nor for any death or injury caused by  
30 such a person. "Recreational activity" is defined in the bill  
31 and does not include any indoor or outdoor organized physical  
32 activity, sport, team sport, or game sponsored, organized, and  
33 supervised by a school district. "Recreational agreement"  
34 is defined as a written authorization granted by a school  
35 district to a person or entity that permits public access to

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1 all or a specified part of the school grounds for the purpose  
2 of participating in, attending, supervising, or conducting a  
3 recreational activity and that satisfies the requirements of a  
4 recreational agreement as specified in the bill.

5 The bill provides that the bill shall not limit the liability  
6 of a school district, school board, or any officer, employee,  
7 or agent of a school district or school board for the death  
8 or injury of any person caused by a malicious act or by a  
9 malicious failure to warn against an unsafe condition which  
10 a school district, school board, or any officer, employee,  
11 or agent of the school district or school board knew of or  
12 reasonably should have known of, that occurs during the course  
13 of a recreational activity held pursuant to a recreational  
14 agreement, the death or injury of a spectator that occurs  
15 during the course of a recreational activity held pursuant to  
16 a recreational agreement, or the death or injury of a person  
17 participating in a recreational activity involving a weight  
18 room and related equipment, swimming pool, or gymnastics  
19 equipment pursuant to a recreational agreement.



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**Senate Study Bill 1195 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON HOGG)

**A BILL FOR**

1 An Act relating to strip searches of simple misdemeanants at a  
2 jail or municipal holding facility.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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jm/nh



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1 Section 1. Section 804.30, Code 2013, is amended by striking  
2 the section and inserting in lieu thereof the following:

3 **804.30 Strip searches — simple misdemeanors.**

4 1. A person arrested for a simple misdemeanor including a  
5 simple misdemeanor punishable as a scheduled violation, who  
6 is committed to the general population of a jail or municipal  
7 holding facility, may be subject to a strip search. A strip  
8 search pursuant to this section shall be conducted in the  
9 following manner:

10 a. (1) A visual search may be conducted by directing the  
11 arrested person to disrobe, shower, and submit to a visual  
12 inspection.

13 (2) A visual search may include the probing of the mouth,  
14 ears, or nose.

15 b. For a search involving physical contact other than with  
16 the mouth, ears, or nose, authorization from a supervisor shall  
17 be obtained for the physical probing of any other body cavity.

18 c. A visual search or probing of any body cavity shall be  
19 performed under sanitary conditions.

20 d. The search shall be conducted in a place where the search  
21 cannot be observed by persons not conducting the search.

22 e. The search shall be conducted by a person of the same  
23 sex as the arrested person, unless the search is conducted by a  
24 physician.

25 2. Subsequent to a strip search, a written report shall  
26 be prepared which includes any authorization required by  
27 subsection 1, the name of the person subjected to the search,  
28 the names of the persons conducting the search, and the time,  
29 date, and place of the search. A copy of the report shall be  
30 provided to the person searched.

31 EXPLANATION

32 This bill relates to strip searches of simple misdemeanants  
33 at a jail or municipal holding facility.

34 Current law specifies that a person arrested for a scheduled  
35 violation or simple misdemeanor shall not be subjected to a

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1 strip search unless there is probable cause to believe the  
2 person is concealing a weapon or contraband, and if certain  
3 conditions are followed.

4 The bill provides that a person arrested for a simple  
5 misdemeanor including a scheduled violation who is committed to  
6 the general population of a jail or municipal holding facility  
7 may be subject to a strip search.

8 The bill specifies that a visual search may be conducted by  
9 directing the arrested person to disrobe, shower, and submit  
10 to a visual inspection. The bill further specifies a visual  
11 search may include the probing of the mouth, ears, or nose.

12 Current law requires written authorization from the  
13 supervisor on duty prior to any search. The bill eliminates  
14 such a requirement unless the search involves physical contact  
15 other than probing of the mouth, ears, or nose.

16 The bill also eliminates a probable cause finding and a  
17 search warrant prior to a search involving physical contact if  
18 the search involves physical contact other than probing of the  
19 mouth, ears, or nose.

20 The bill retains the current provisions that a search must  
21 be conducted in a place where the search cannot be observed by  
22 persons not conducting the search and that the search shall  
23 be conducted by a person of the same gender as the arrested  
24 person, unless the search is conducted by a physician.

25 The bill also retains the requirement that a written report  
26 be prepared which includes authorization of the supervisor, if  
27 applicable, the name of the person subjected to the search, the  
28 names of the persons conducting the search, and the time, date,  
29 and place of the search. A copy of the report shall be provided  
30 to the person searched.



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**Senate Study Bill 1196 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON HOGG)

**A BILL FOR**

1 An Act relating to marital agreements, and including effective  
2 date and applicability provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1479XC (4) 85  
pf/rj





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1 Section 1. Section 249A.3, subsection 11, paragraph d, Code  
2 2013, is amended to read as follows:

3 d. Unless a surviving spouse is precluded from making an  
4 election under the terms of a ~~premarital~~ marital agreement as  
5 defined in section 596.1, the failure of a surviving spouse to  
6 take an elective share pursuant to chapter 633, division V,  
7 constitutes a transfer of assets for the purpose of determining  
8 eligibility for medical assistance to the extent that the value  
9 received by taking an elective share would have exceeded the  
10 value of the inheritance received under the will.

11 Sec. 2. Section 596.1, Code 2013, is amended to read as  
12 follows:

13 **596.1 Definitions.**

14 As used in this chapter:

15 1. "Marital agreement" means any of the following:

16 a. A premarital agreement.

17 b. An amendment to a premarital agreement made between  
18 present spouses, but only relating to post-death matters.

19 c. An agreement or an amendment to an agreement between  
20 present spouses, but only relating to post-death matters.

21 2. "Party" means a person who has entered into a marital  
22 agreement.

23 3. "Post-death matter" includes but is not limited to the  
24 disposition of the parties' individually or jointly owned  
25 assets upon the death of either or both parties; the making of  
26 a will, trust, or other arrangements for the disposition of  
27 property upon the death of either or both parties; ownership  
28 rights in life insurance policies and retirement plans and the  
29 disposition of the death benefits of any such policy or plan;  
30 and the limitation or expansion of spousal elective shares  
31 pursuant to chapter 633, division V.

32 ~~1-~~ 4. "Premarital agreement" means an agreement between  
33 prospective spouses made in contemplation of marriage and to be  
34 effective upon marriage.

35 ~~2-~~ 5. "Property" means an interest, present or future,

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1 legal or equitable, vested or contingent, in real or personal  
2 property, including income and earnings.

3 Sec. 3. Section 596.2, Code 2013, is amended to read as  
4 follows:

5 **596.2 Construction and application.**

6 This chapter shall be construed and applied to effectuate  
7 its general purpose ~~to make uniform the law with respect to~~  
8 ~~premarital agreements.~~

9 Sec. 4. Section 596.3, Code 2013, is amended to read as  
10 follows:

11 **596.3 Short title.**

12 This chapter may be cited as the "~~Iowa Uniform Premarital~~  
13 ~~Marital Agreement Act~~".

14 Sec. 5. Section 596.4, Code 2013, is amended to read as  
15 follows:

16 **596.4 Formalities.**

17 1. a. A ~~premarital~~ marital agreement must be in writing  
18 and, must be signed by both ~~prospective~~ spouses. It parties,  
19 and must contain the date that each party signed the marital  
20 agreement. Each party's signature must be witnessed or  
21 acknowledged by one of the following methods, as applicable:

22 (1) Witnessed by a competent person, as described in section  
23 633.280, who, in the presence of the signing party, witnessed  
24 the signing of the agreement by the party or by another person  
25 acting on behalf of the party at that party's direction.

26 (2) Acknowledged before a notarial officer within this  
27 state.

28 b. The witnessing or acknowledgment language may be in  
29 substantially the following form:

30 **THIS DOCUMENT MUST BE EITHER WITNESSED OR ACKNOWLEDGED**  
31 **WITNESS STATEMENT**

32 I declare that the parties who signed this document are  
33 personally known to me, and that they signed this marital  
34 agreement in my presence. I further declare that I am at least  
35 sixteen years of age or older.



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1 Witness #1: Signature: \_\_\_\_\_  
2 Date: \_\_\_\_\_  
3 Print Name: \_\_\_\_\_  
4 Telephone: \_\_\_\_\_  
5 Address: \_\_\_\_\_  
6 Witness #2: Signature: \_\_\_\_\_  
7 Date: \_\_\_\_\_  
8 Print Name: \_\_\_\_\_  
9 Telephone: \_\_\_\_\_  
10 Address: \_\_\_\_\_

11 ACKNOWLEDGMENT  
12 STATE OF IOWA, \_\_\_\_\_ COUNTY, ss:  
13 On this \_\_\_\_\_ day of \_\_\_\_\_ (month), \_\_\_\_\_ (year), the  
14 said \_\_\_\_\_, and \_\_\_\_\_, known to  
15 me (or satisfactorily proven) to be the parties named in the  
16 foregoing instrument, personally appeared before me, a Notary  
17 Public, within and for the State and County aforesaid, and  
18 acknowledged that they freely and voluntarily executed the same  
19 for the purposes stated therein.

20 2. A marital agreement between present spouses must be  
21 signed by both parties prior to the filing of an action for  
22 dissolution of marriage, for legal separation, or for separate  
23 maintenance.

24 3. A marital agreement is enforceable without consideration  
25 other than the marriage.

26 4. Both parties to the a marital agreement shall execute all  
27 documents necessary to enforce the agreement.

28 Sec. 6. Section 596.5, Code 2013, is amended to read as  
29 follows:

30 **596.5 Content.**

31 1. ~~Parties~~ Subject to the limitations of a marital agreement  
32 between present spouses, which as specified in section 596.1,  
33 subsection 1, shall only relate to post-death matters, parties  
34 to a ~~premarital~~ marital agreement may contract with respect to  
35 the following:

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- 1     a. The rights and obligations of each of the parties in any  
2 of the property of either or both of them whenever and wherever  
3 acquired or located.
- 4     b. ~~The right~~ rights of possession, ownership, or control,  
5 including but not limited to the rights to buy, sell, use,  
6 transfer, make a gift of, exchange, abandon, lease, consume,  
7 expend, assign, create a security interest in, mortgage,  
8 encumber, dispose of, or otherwise manage and control property.
- 9     c. The disposition of property upon separation, dissolution  
10 of the marriage, death, or the occurrence or nonoccurrence of  
11 any other event.
- 12    d. The making of a will, trust, or other arrangement to  
13 carry out the provisions of the marital agreement.
- 14    e. The ownership rights in ~~and disposition of the death~~  
15 ~~benefit from~~ a life insurance policy and the establishment of  
16 rights of beneficiaries to the benefits of such policy.
- 17    f. The rights and obligations in benefits available or to be  
18 available under an employee benefit or retirement plan, except  
19 to the extent federal law prevents a binding agreement with  
20 respect to such rights and obligations.
- 21    ~~f.~~ g. The choice of law governing the construction of the  
22 agreement.
- 23    ~~g.~~ h. Any other matter, including the personal rights and  
24 obligations of the parties, not in violation of public policy  
25 or a statute imposing a criminal penalty.
- 26    2. A marital agreement is not enforceable unless the  
27 agreement contains a statement of the types of rights that  
28 could be affected by the marital agreement in an all capital  
29 letter typeface and font size as large as the largest typeface  
30 and font contained in the document. The following statement or  
31 a statement of like import contained within the document shall  
32 be acceptable for this purpose:
- 33    BE ADVISED, BY SIGNING THIS DOCUMENT, YOU MAY BE GIVING  
34 UP LEGAL RIGHTS, SUCH AS THE RIGHTS TO OWN OR OCCUPY YOUR  
35 HOMESTEAD, RIGHTS TO A STATUTORY SHARE OF YOUR SPOUSE'S ASSETS



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1 UPON DEATH, RIGHTS TO COURT DETERMINATIONS OF DISTRIBUTIONS OF  
2 PROPERTY UPON DISSOLUTION OF MARRIAGE, AND OTHER RIGHTS YOU  
3 MAY HAVE BY REASON OF MARRIAGE. YOU MAY ALSO BE EXPANDING OR  
4 RESTRICTING THOSE TYPES OF RIGHTS OR EXPANDING OR RESTRICTING  
5 THE COURT'S POWERS TO DETERMINE THESE ISSUES.

6 ~~2-~~ 3. The right of a spouse or child to support, whether  
7 during the lifetime or after the death of a party, shall not be  
8 adversely affected by a ~~premarital~~ marital agreement.

9 Sec. 7. Section 596.6, Code 2013, is amended to read as  
10 follows:

11 **596.6 Effective date of agreement.**

12 1. A ~~premarital~~ marital agreement becomes effective upon  
13 the marriage, if signed by both of the parties prior to the  
14 marriage.

15 2. If a marital agreement is signed by the parties during  
16 their marriage, the marital agreement becomes effective on the  
17 effective date stated in the marital agreement. If no such  
18 effective date is stated in the marital agreement, the marital  
19 agreement becomes effective upon the latest date of signature  
20 by the parties.

21 Sec. 8. Section 596.7, Code 2013, is amended to read as  
22 follows:

23 **596.7 Revocation and amendment.**

24 1. Revocation. After marriage, a ~~premarital~~ marital  
25 agreement may be revoked, in whole or in part, only as follows:

26 ~~1-~~ a. By a written agreement signed by both ~~spouses~~  
27 parties. The revocation is enforceable without consideration.

28 ~~2-~~ b. ~~To revoke a premarital~~ By either party to the marital  
29 agreement without the consent of the other spouse party, the  
30 person seeking revocation must prove one or more if the party  
31 seeking revocation proves any of the following:

32 ~~a-~~ (1) The ~~person~~ party seeking revocation did not execute  
33 the marital agreement voluntarily.

34 ~~b-~~ (2) The marital agreement was unconscionable when it  
35 was executed.



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1 ~~e.~~ (3) Before the execution of the marital agreement the  
2 person party seeking revocation was not provided a fair and  
3 reasonable disclosure of the property or financial obligations  
4 of the other spouse party; and the person party seeking  
5 revocation did not have, or reasonably could not have had, an  
6 adequate knowledge of the property or financial obligations of  
7 the other spouse party; and such disclosure would have been  
8 material to the decision of the party seeking revocation to  
9 execute the marital agreement.

10 (4) Before the execution of the marital agreement the party  
11 seeking revocation was not given a reasonable opportunity to  
12 obtain independent legal representation with respect to the  
13 marital agreement.

14 2. Revocation severable. If the revocation of one or  
15 more provisions of the marital agreement, or the application  
16 of the revocation of such a provision to a party is upheld  
17 by the court, any revoked provision shall be severed from  
18 the remainder of the marital agreement, unless the marital  
19 agreement states otherwise, and shall not affect the remaining  
20 provisions.

21 3. Amendment. A marital agreement may be amended by  
22 a written agreement signed by both parties. An amendment  
23 is subject to the limitations of an amendment to a marital  
24 agreement which, as specified in section 596.1, subsection 1,  
25 shall only relate to post-death matters, and subject to the  
26 enforcement provisions of section 596.8.

27 4. Limits on amendment and revocation. A marital  
28 agreement cannot be amended or revoked by an agent, guardian,  
29 conservator, or other legal representative of either party, or  
30 after the death of either party, except as provided pursuant  
31 to subsection 1, paragraph "b", relating to revocation without  
32 the consent of the other party.

33 Sec. 9. Section 596.8, Code 2013, is amended to read as  
34 follows:

35 **596.8 Enforcement.**



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1     ~~1. A premarital marital agreement is not enforceable if the~~  
2     ~~person or party against whom enforcement is sought proves any~~  
3     ~~of the following:~~  
4     ~~1. The person did not execute the agreement voluntarily.~~  
5     ~~2. The agreement was unconscionable when it was executed.~~  
6     ~~3. Before the execution of the agreement the person was~~  
7     ~~not provided a fair and reasonable disclosure of the property~~  
8     ~~or financial obligations of the other spouse; and the person~~  
9     ~~did not have, or reasonably could not have had, an adequate~~  
10    ~~knowledge of the property or financial obligations of the other~~  
11    ~~spouse that such person or party could have revoked the marital~~  
12    ~~agreement pursuant to section 596.7, subsection 1, paragraph~~  
13    ~~"b", relating to revocation without consent of the other party.~~  
14    ~~2. If a provision one or more of the provisions of the~~  
15    ~~marital agreement or the application of the provision to a~~  
16    ~~party is found determined by the court to be unenforceable~~  
17    ~~pursuant to this section, the unenforceable provision shall be~~  
18    ~~severed from the remainder of the marital agreement, unless the~~  
19    ~~marital agreement states otherwise, and shall not affect the~~  
20    ~~remaining provisions, or application, of the agreement which~~  
21    ~~can be given effect without the unenforceable provision.~~  
22    ~~3. Other than the determination of the issue of~~  
23    ~~unconscionability, actions with respect to enforcement of a~~  
24    ~~marital agreement shall be decided by the court as a matter of~~  
25    ~~equity.~~  
26    Sec. 10. Section 596.9, Code 2013, is amended to read as  
27    follows:  
28    **596.9 Unconscionability.**  
29    In any action under this chapter to revoke or enforce a  
30    ~~premarital marital agreement,~~ the issue of unconscionability of  
31    ~~a premarital marital agreement shall be decided by the court~~  
32    ~~as a matter of law.~~  
33    Sec. 11. Section 596.10, Code 2013, is amended to read as  
34    follows:  
35    **596.10 Enforcement — void marriage.**

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1 If a marriage is determined to be void, an agreement that  
2 would otherwise have been a ~~premarital~~ marital agreement  
3 is enforceable only to the extent necessary to avoid an  
4 inequitable result.

5 Sec. 12. Section 596.11, Code 2013, is amended to read as  
6 follows:

7 **596.11 Limitation of actions.**

8 Any statute of limitations applicable to an action asserting  
9 a claim for relief under a ~~premarital~~ marital agreement is  
10 tolled during the marriage of the parties ~~to the agreement~~.  
11 However, equitable defenses limiting the time for enforcement,  
12 including laches and estoppel, are available to either party.

13 Sec. 13. NEW SECTION. **596.11A Scope of chapter — bona fide**  
14 **purchasers and distribution of assets.**

15 1. This chapter shall not affect adversely the rights of a  
16 bona fide purchaser for value to the extent that this chapter  
17 applies to a transfer or conveyance of property by a party to a  
18 marital agreement to a nonparty.

19 2. A financial institution, insurance company, investment  
20 company as defined in the federal Investment Company Act of  
21 1940, 15 U.S.C. § 80a-3, or broker-dealer registered under  
22 the federal Securities Exchange Act of 1934, 15 U.S.C. § 78m  
23 et seq., may distribute any assets, in accordance with the  
24 terms of the contract with a party to a marital agreement or in  
25 accordance with any effective beneficiary designation without  
26 liability to either party to the marital agreement.

27 Sec. 14. Section 596.12, Code 2013, is amended to read as  
28 follows:

29 **596.12 Effective date and applicability.**

30 1. This As it relates to premarital agreements, this chapter  
31 takes effect on January 1, 1992, and applies to any premarital  
32 agreement executed on or after that date, in accordance  
33 with the statutory provisions in effect as of the date of  
34 the premarital agreement. This chapter does not affect the  
35 validity under Iowa law of any premarital agreement entered

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1 into prior to January 1, 1992.

2     2. As it relates to amendments to premarital agreements  
3 and to marital agreements and amendments to marital agreements  
4 entered into after marriage, this chapter takes effect July 1,  
5 2013, and applies to any such amendments or agreements executed  
6 on or after that date.

7     Sec. 15. Section 598.21, subsection 5, paragraph 1, Code  
8 2013, is amended to read as follows:

9     1. The provisions of an antenuptial a premarital agreement.

10     Sec. 16. Section 598.21A, subsection 1, paragraph i, Code  
11 2013, is amended to read as follows:

12     i. The provisions of an antenuptial a premarital agreement.

13     Sec. 17. Section 633.246A, Code 2013, is amended to read as  
14 follows:

15     **633.246A Medical assistance eligibility.**

16     Unless precluded from doing so under the terms of a  
17 ~~premarital~~ marital agreement as defined in section 596.1, the  
18 failure of a surviving spouse to make an election under this  
19 division constitutes a transfer of assets for the purpose of  
20 determining eligibility for medical assistance pursuant to  
21 chapter 249A to the extent that the value received by making  
22 the election would have exceeded the value of property received  
23 absent the election.

24                                   EXPLANATION

25     This bill amends Code chapter 596 (premarital agreements)  
26 to allow for marital agreements which include premarital  
27 agreements, certain amendments to premarital agreements, and  
28 the creation of agreements or amendments to agreements between  
29 present spouses. An amendment to a premarital agreement or an  
30 agreement or amendment to an agreement between present spouses  
31 is effective only to the extent it relates to post-death  
32 matters. The bill provides for protection of the parties  
33 including that the agreement must not be unconscionable at the  
34 time it is entered into; the agreement must include a provision  
35 that states the rights a party may be giving up; an agent is

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1 prohibited from amending or revoking a marital agreement on  
2 behalf of a party; and unconscionability is determined by the  
3 court as a matter of law while all other matters are determined  
4 in equity. The bill provides for revocation and amendment of  
5 marital agreements, places limits on amendments and revocations  
6 of marital agreements, provides for enforcement, provides  
7 for scope of the chapter regarding bona fide purchasers and  
8 distribution of assets, and makes conforming changes.

9 The bill continues the applicability of the amended Code  
10 chapter to any premarital agreement executed on or after  
11 January 1, 1992, in accordance with the statutory provisions  
12 in effect as of the date of the premarital agreement. The  
13 bill does not modify the inapplicability of the Code chapter  
14 to any premarital agreement entered into prior to January  
15 1, 1992. Additionally, the bill provides that as the Code  
16 chapter relates to amendments to premarital agreements and to  
17 marital agreements entered into after marriage, the amended  
18 Code chapter takes effect July 1, 2013, and applies to any such  
19 amendments or agreements executed on or after that date.

20 The bill also makes conforming changes throughout the Code.



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**Senate Study Bill 1197 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON HOGG)

**A BILL FOR**

1 An Act relating to obscene material by modifying the definition  
2 of material and authorizing local regulation of certain live  
3 acts, performances, and exhibitions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 728.1, subsection 3, Code 2013, is  
2 amended to read as follows:

3 3. "*Material*" means any book, magazine, newspaper, or  
4 other printed or written material or any picture, drawing,  
5 photograph, motion picture, or other pictorial representation  
6 or any statue or other figure, or any recording, transcription  
7 or mechanical, chemical, or electrical reproduction or any  
8 other articles, equipment, machines, or materials, but does  
9 not mean a live act, performance, or exhibition, including  
10 those circumstances described in section 728.5, subsection 1,  
11 paragraphs "a" through "c".

12 Sec. 2. Section 728.11, Code 2013, is amended to read as  
13 follows:

14 **728.11 Uniform application.**

15 In order to provide for the uniform application of the  
16 provisions of this chapter relating to obscene material  
17 applicable to minors within this state, it is intended that the  
18 sole and only regulation of obscene material shall be under  
19 the provisions of this chapter, and no municipality, county,  
20 or other governmental unit within this state shall make any  
21 law, ordinance, or regulation relating to the availability of  
22 obscene materials. All such laws, ordinances, or regulations  
23 shall be or become void, unenforceable, and of no effect on  
24 January 1, 1978. Nothing in this section or section 728.5  
25 shall restrict the zoning authority of cities and counties  
26 or the authority of cities and counties to enact ordinances  
27 or rules that regulate a place of business or establishment  
28 operating within the city's or county's jurisdiction that  
29 permits or allows the circumstances described in section 728.5,  
30 subsection 1, paragraphs "a" through "c".

31 EXPLANATION

32 This bill relates to Iowa's law governing obscenity.  
33 Current Code section 728.1(3) defines "material" as any book,  
34 magazine, newspaper, or other printed or written material or  
35 any picture, drawing, photograph, motion picture, or other

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1 pictorial representation or any statue or other figure, or any  
2 recording, transcription or mechanical, chemical or electrical  
3 reproduction or any other articles, equipment, machines, or  
4 materials. The bill amends the definition of material to  
5 exclude live acts, performances, or exhibitions, including the  
6 actual or simulated public performance of any sex act, the  
7 exposure of the genitals or buttocks or female breast of any  
8 person who acts as a waiter or waitress, and the exposure of  
9 the genitals or female breast nipple of any person who acts  
10 as an entertainer, whether or not the owner of the place of  
11 business in which the activity is performed employs or pays any  
12 compensation to such person to perform such activity.

13 The bill also provides that Code section 728.5, establishing  
14 criminal offenses for specified live acts, performances, and  
15 exhibitions, and Code section 728.11, limiting local government  
16 authority to regulate the availability of obscene materials,  
17 shall not restrict the authority of a city or county to  
18 enact ordinances or rules that regulate a place of business  
19 or an establishment operating within the city's or county's  
20 jurisdiction that permits or allows the actual or simulated  
21 public performance of any sex act, the exposure of the genitals  
22 or buttocks or female breast of any person who acts as a waiter  
23 or waitress, and the exposure of the genitals or female breast  
24 nipple of any person who acts as an entertainer, whether or not  
25 the owner of the place of business in which the activity is  
26 performed employs or pays any compensation to such person to  
27 perform such activity.

28 In 2012, the Iowa Supreme Court in *Mall Real Estate, L.L.C.*  
29 *v. City of Hamburg* construed the definition of "material" in  
30 Code section 728.1(3) to include live performances and held the  
31 city of Hamburg's ordinance regulating places of business that  
32 offer or permit nude dancing to be preempted by state law and  
33 unenforceable.



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**Senate Study Bill 1198 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON HOGG)

**A BILL FOR**

1 An Act expanding the definition of the term "sex act" in the  
2 criminal code and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2197XC (2) 85  
jm/nh



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S.F. \_\_\_\_\_

1 Section 1. Section 702.17, Code 2013, is amended to read as  
2 follows:

3 **702.17 Sex act.**

4 The term "*sex act*" or "*sexual activity*" means any sexual  
5 contact between two or more persons by: penetration of the  
6 penis into the vagina or anus; contact between the mouth and  
7 genitalia or by contact between the genitalia of one person  
8 and the genitalia or anus of another person; contact between  
9 the finger or hand of one person and the genitalia or anus  
10 of another person, except in the course of examination or  
11 treatment by a person licensed pursuant to chapter 148, 148C,  
12 151, or 152; ejaculation onto the person of another; or by use  
13 of artificial sexual organs or substitutes therefor in contact  
14 with the genitalia or anus.

15 EXPLANATION

16 This bill relates to the definition of the term "sex act" in  
17 the criminal code and provides penalties.

18 The bill expands the definition of "sex act" to include  
19 ejaculation onto the person of another.

20 The bill, by expanding the definition of "sex act", also  
21 expands the definition of numerous criminal offenses, including  
22 but not limited to sexual abuse (Code chapter 709), lascivious  
23 acts with a child (Code section 709.8), indecent exposure (Code  
24 section 709.9), sexual exploitation by a counselor, therapist,  
25 or school employee (Code section 709.15), sexual misconduct  
26 with offenders or juveniles (Code section 709.16), abuse of a  
27 corpse (Code section 709.18), or enticing a minor away (Code  
28 section 710.10).